DOCUMENT RESUME

ED 243 296 EC 162 424

TITLE	Education of the Handicapped Act Amendments of 1983.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Human Resources.
REPORT NO	Senate-R-98-191
PUB DATE	Jul 83
NOTE	89p.; Report of the U.S. Congress, Committee on Labor and Human Resources of the U.S. Senate, 1st Session.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Deaf Blind; *Disabilities; Early Childhood Education; Educational Media; Elementary Secondary Education; Evaluation Methods; *Federal Aid; *Federal Legislation; Resource Centers
IDENTIFIERS	Congress 98th; *Education of the Handicapped Act 1970; Reauthorization Legislation

ABSTRACT

The report summarizes 1983 Amendments to the Education of the Handicapped Act. The Amendments extend authorization for federal activities relating to the evaluation component, incentive grant program, and discretionary programs including regional resource centers, centers and services for the deaf-blind, the early childhood program, postsecondary education program, personnel and parent training program, recruitment and information, research, and instructional media. New programs for secondary education and transitional services are authorized. An initial section reviews legislative consideration and examines achievements of the above programs under the present law. The need for new initiatives in secondary education and transitional services is pointed out, with analysis of current status of vocational and employment preparation for handicapped youth. Following the cost estimate by the Congressional Budget Office and a regulatory impact statement, a section-by-section analysis of the amended law is presented. (CL)

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98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-191

ED243296

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983

JULY 21 (legislative day, JULY 18), 1983.—Ordered to be printed

Mr. HATCH, from the Committee of Labor and Human Resources, submitted the following

REPORT

[To accompany S. 1341]

The Committee on Labor and Human Resources reports favorably an original bill, S. 1341, to revise and extend the Education of the Handicapped Act, and for other purposes, and recommends that the bill do pass.

I. SUMMARY OF THE BILL

As approved by the Committee on Labor and Human Resources, the Education of the Handicapped Act Amendments of 1983 extends the authorization for federal activities relating to the evaluation component of Part B, the incentive grant program of Part B, and the discretionary programs of Parts C, D, E, and F including the regional resource centers, centers and services for the deaf-blind, the early childhood program, the postsecondary education program, training of personnel and parents, recruitment and information, research, and instructional media. A new program for secondary education and transitional services is authorized.

The evaluation component of Part B specifies evaluation activities and refocuses the special studies from implementation to impact of the Education of the Handicapped Act. The preschool incentive grant section specifies that handicapped children from birth on may be served. The section authorizing the regional resource centers focuses the centers on identifying persistent problems in educating handicapped children and youth and on replicating successful programs and practices. Indirect services such as consultation, training and curriculum development are added to the deaf-blind program. The early education section, like the preschool incentive section, specifies that handicapped children from

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birth on can be served. The severely handicapped program is specifically authorized and Section 624, on research, innovation, training, and dissemination activities is amended.

The postsecondary education program authority continues 4 regional programs for the deaf and encourages development of other postsecondary programs. A new section authorizing a program for handicapped youth in secondary education and transitional services into work, postsecondary education and adult services is added. Preservice and inservice training for personnel is delineated. A parent training and information program is included. The following sections basically remain the same: recruitment and information, research, and instructional media.

The authorization level for FY 1984 for the Part B state grant program is raised 5.3% from the Omnibus Budget Reconciliation Act of 1981 ceiling, and the authorization levels for special institutions are raised to account for inflation and other factors.

II. Legislative Consideration

The Subcommittee on the Handicapped held Public Hearings on March 21 and March 23, 1983 on the programs being considered for reauthorization. On March 21, the following individuals testified: Mr. Gary Bauer, Deputy Undersecretary for Planning, Budget, and Evaluation of the United States Department of Education; accompanied by Dr. Edward Sontag, Acting Director, Special Education Programs, United States Department of Education; Dr. Alan M. Hofmeister, Dean, School of Graduate Studies, Associate Vice President for Research, Utah State University; and Mr. Winfield McChord, Headmaster, American School for the Deaf, West Hartford, Connecticut. Mr. Bauer and Dr. Sontag recommended a 3 year extension of all the discretionary programs authorized by the Education for the Handicapped Act with some redirection of priorities. On March 23, the following individuals testified: Dr. James Gallagher, Director and Professor, Frank Porter Graham, Child Development Institute, University of North Carolina; Mr. Frederick J. Weintraub, Assistant Executive Director, Council for Exceptional Children, Reston, Virginia; Dr. Thomas G. Bellamy, Director, Specialized Training Program, University of Oregon, Eugene, Oregon; Mr. Robert Lauritson, Division Manager, St. Paul Technical Vocational Institute, St. Paul, Minnesota; Dr. Dennis E. Hanley, Executive Director, Mountain Plains Regional Center, Denver, Colorado; Dr. Wayne Sailor, Professor, San Francisco State University, President, The Association for Severely Handicapped, San Francisco, California; Dr. Katherine Butler, Director, Division of Special Education and Rehabilitation, Syracuse University, Syracuse, New York; and Dr. Robert Black, Director, Office of Programs for the Handicapped, Department of Education, Columbia, South Carolina, President, National Association of State Directors of Special Education (NASDSE).

The Education of the Handicapped Act Amendments of 1983 was originated in the Subcommittee on the Handicapped by Senator Lowell Weicker, Jr., Chairman of the Subcommittee. By a vote of 7 to 0, the Bill, as amended, was favorably reported from the Subcommittee on May 9, 1983. On May 18, 1983 the Bill, as amended,

was favorably reported from the Committee on Labor and Human Resources by a vote of 18 to 0. On May 23, 1983 the Committee Bill was assigned number S. 1341.

III. Achievements Under the Present Law

The Education of the Handicapped Amendments of 1977 (P.L. 95-49) extended the discretionary programs authorized under Parts C through F of the Education of the Handicapped Act for 5 years from fiscal year 1978 through fiscal year 1982. Authorization of appropriations was provided for these programs for fiscal year 1983 under the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). The basic purpose of these discretionary programs is to complement and supplement the state grant program. These programs provide information, program and practice models and other tools for improving the provision of special education and related services. Since academic year 1977-1978, the number of handicapped children receiving special education and related services under P.L. 94-142 has increased from 3,470,273 to an estimated 3,956,852 in academic year 1982-1983, a 14 percent increase. There have been significant increases in the number of children served with certain handicapping conditions including emotionally disturbed, multihandicapped and learning disabled. Special education and related services personnel for handicapped children have increased 14 percent since fiscal year 1978. Approximately 25 percent of all regular elementary school teachers have been trained in how to conduct screenings for handicapped children in their classrooms and 55 percent have been trained to identify potential problems that would warrant referral for formal special education assessment.

A sumary of existing programs follows:

EVALUATION (SPECIAL STUDIES): EDUCATION OF THE HANDICAPPED ACT, PART B, SECTION 618 (20 U.S.C. 1418)

The purpose of this program is to evaluate the effectiveness of the states' efforts in providing a free appropriate public education to all handicapped children as mandated by Public Law 94-142, the Education for All Handicapped Children Act of 1975. The evaluation activities identify both the problems and the successes that state and local education agencies are having in implementing the law. Data is collected from states on an annual basis in specified categories which relate to the implementation of the Act. The information from these evaluation activities is used to report to Congress the progress being made in providing a free appropriate public education as specified in P.L. 94-142. The evaluation activities and the annual report to Congress are mandated.

The number of special studies undertaken has decreased from twelve in fiscal year 1981 to two in fiscal year 1982. The two studies funded in fiscal year 1982, for a total of $480,000, provided the information for the annual report and assisted state and local education agencies in assessing and improving their policies, procedures, and practices. Other funds were used for a contract to conduct short-term studies, such as telephone surveys, on current special education and related services issues.

SPECIAL STUDIES

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	(1)	(1)	(1)	(1)	$2,300,000	$2,300,000
Appropriation	$2,300,000	$2,300,000	$1,000,000	$1,000,000	480,000	480,000

[1] Such sums as necessary.

(PRESCHOOL) INCENTIVE GRANTS: EDUCATION OF THE HANDICAPPED ACT, PART B, SECTION 619

Preschool Incentive Grants are intended to encourage state and local education agencies to expand education services to handicapped preschool children, age 3–5, thereby increasing their opportunities to benefit from early educational intervention. This program distributes funds to state education agencies on a formula basis. The amount of the grant to each state is up to $300, multiplied by the number of handicapped children aged three to five, who are receiving a free appropriate public education. If sufficient funds are not appropriated to fully fund the program, the amount of each grant is ratably reduced. The states may use the funds themselves or may contract with local education agencies or other agencies to provide direct services.

In FY 1982, 55 state agencies received funds to serve 237,809 preschool handicapped children. One hundred and four dollars per child were appropriated in FY 1982.

PRESCHOOL INVENTIVE GRANTS

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	(1)	(1)	(1)	(1)	$25,000,000	$25,000,000
Appropriation	$15,000,000	$17,500,000	$25,000,000	$25,000,000	24,000,000	24,000,000

[1] Based on formula.

REGIONAL RESOURCE CENTERS: EDUCATION OF THE HANDICAPPED, PART C, SECTION 621 (20 U.S.C. 1421)

Regional Resource Centers were created in 1969 to develop and implement methods of evaluation and educational programming for handicapped students. With the enactment of P.L. 94–142 (The Education for All Handicapped Children Act), the purpose of the Regional Resource Centers was changed to that of helping states, and through them local educational agencies, to better comply with requirements and provisions of P.L. 94–142. The centers now provide technical assistance such as training, consultation and materials development, dissemination of information, identifying persistent problems and replicating successful practices.

In 1982, there were twelve regional resource centers. In FY 1983, the number of regional resource centers was reduced from twelve to six.

Contracts are awarded on a competitive basis to institutions of higher education, state education agencies or a combination of such entities.

In FY 1982, $2.88 million was appropriated under this section. Over 350 training materials were developed for state and local administrators.

REGIONAL RESOURCE CENTERS (EHA, PART C)

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$19,000,000	$19,000,000	$21,000,000	$24,000,000	$9,800,000	$9,800,000
Appropriation	9,750,000	9,750,000	9,750,000	7,656,000	2,880,000	2,880,000

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH: EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 622 (20 U.S.C. 1422)

Deaf-Blind Centers support state and local efforts in providing special education and related services to children who are both deaf and blind as well as those with other severe handicapping conditions. There are two components to this program, the deaf-blind center and the demonstration or model component.

The Deaf-Blind Centers component began in 1969. Special educational and related services were provided directly by the centers, or through subcontracts negotiated by the centers with a variety of state, local and private organizations. The centers assist subcontractors with program development, staff training and curriculum development.

The demonstration or model component was begun in 1978 in order to focus on the unique needs of adolescent deaf-blind children who, as a result of the rubella epidemic of 1963, constitute approximately 25% of this population.

In 1982 there were fifteen single and multi-state centers. Special Education Programs plans to reduce the number of centers to six in FY 1984. Approximately 200 subcontracts were awarded by the deaf-blind centers primarily to provide direct special education services for the handicapped close to their home communities. The Deaf-Blind Centers reported that approximately 5,155 students received services through their programs in FY 1982. Approximately 70% of the funds for the current program comes from state and local government.

Beginning this year grants will be awarded on a competitive basis for 12 months and be renewable for two 12-month periods.

In FY 1982, $15,360,000 was appropriated for the Deaf-Blind Centers.

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$22,000,000	$24,000,000	$26,000,000	$29,000,000	$16,000,000	$16,000,000
Appropriation	16,000,000	16,000,000	16,000,000	16,000,000	15,360,000	15,360,000

EARLY CHILDHOOD EDUCATION: EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 623 (20 U.S.C. 1435)

The Early Childhood Education program was designed to build the capacity of state and local educational agencies to provide comprehensive services for handicapped preschool children, age birth to 8 years. This program, which began in 1969, has emphasized the development, demonstration, and dissemination of quality preschool educational models. There were four complementary components of this program in 1981. Each was designed to reach different groups of very young children and their families in different ways. The different program components included: (1) demonstration projects designed to provide locally visible, locally-designed, quality services through the development and demonstration of new models; (2) outreach projects to assist other agencies that elect to replicate successfully developed models; (3) State implementation grants to assist State education agencies to develop a capacity to plan for the development and expansion of early intervention services for handicapped children; and (4) early childhood institutes to carry on sustained research in real-world settings (instead of in small laboratory situations) so new information on young children, their families and early intervention could be developed and disseminated.

This program provides grants and contracts to a variety of public agencies and private nonprofit organizations. Each model demonstration project and each outreach project is generally approved for a 3 year period but receives second and third year funding on the basis of successful performance and availability of funds. Each State implementation grant is generally approved for a 2 year period but receives second year funding based on successful performance and availability of funds.

During FY 1982, $16.8 million was appropriated. This program supported 163 projects including new and continuation demonstration projects, outreach projects, state implementation projects, technical assistance projects, and early childhood institutes.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$25,000,000	$25,000,000	$25,000,000	$20,000,000	$20,000,000	$20,000,000
Appropriation	22,000,000	22,000,000	20,000,000	17,500,000	16,800,000	16,800,000

SEVERELY HANDICAPPED: EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 624 (20 U.S.C. 1424)

The Severely Handicapped Program is funded from a general authority which provides for research, demonstration, training, and dissemination for the activities under Part C of the Act. This program is designed to assist state and local education agencies in improving education and training to severely handicapped children and youth, many of whom require complex, varied, and often times, expensive educational services. In general, this group of children includes those who are classified as seriously emotionally disturbed, autistic, profoundly and severely mentally retarded, and those with multiple handicapping conditions. Since 1978, projects have been targeted to specific areas of national need concerning the education of severely handicapped individuals.

Three-year grants or contracts are awarded on a competitive basis to state departments of education, intermediate or local educational agencies, institutions of higher education and other public or nonprofit private agencies. Awards are made annually and reviewed on the basis of a project's effectiveness, replicability and availability of funds.

In FY 1982 $2.88 million was appropriated. Five projects for the severely handicapped were continued in addition to 12 new awards.

SEVERELY HANDICAPPED PROJECTS

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization					$5,000,000	$5,000,000
Appropriation	$5,000,000	$5,000,000	$5,000,000	$4,375,000	2,880,000	2,880,000

REGIONAL (POSTSECONDARY) EDUCATION: EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 625 (20 U.S.C. 1424 a)

Regional (Postsecondary) Education Programs enable handicapped individuals to pursue their formal education beyond high school and to widen the choices of academic preparation available to them.

This program supports the development and operation of specially designed or modified programs of vocational-technical, postsecondary or adult education for the deaf and other handicapped persons. The program's purpose is to enable institutions serving predominately non-handicapped school populations to accommodate the handicapped so they may compete academically in the regular educational program. Priority consideration is given to programs which serve multi-state regions or large population centers and which adapt existing programs of vocational, technical, postsecondary or adult education to special needs of handicapped persons.

Approximately 80 percent of the funds are used for four postsecondary programs for the deaf. The other funds are used for smaller projects which serve students with the full range of handicapping conditions.

Grants are awarded to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate non-profit educational agencies on a competitive basis.

In FY 1982, $2.03 million was appropriated for a total of 23 regional education programs. In addition to four regional programs serving 600 deaf students, 19 demonstration programs provided special support services to 500 other handicapped students, and to an estimated 20,000 other handicapped students indirectly through technical assistance, conferences and workshops.

REGIONAL EDUCATION PROGRAMS (REGIONAL, VOCATIONAL ADULT AND POSTSECONDARY PROGRAMS)

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$10,000,000	$12,000,000	$14,000,000	$16,000,000	$4,000,000	$4,000,000
Appropriation	2,400,000	2,400,000	2,400,000	2,950,000	2,832,000	2,832,000

TRAINING PERSONNEL: EDUCATION OF THE HANDICAPPED ACT, PART D, SECTIONS 631, 632, 634 (20 U.S.C. 1431, 1432, 1434)

Special Education Personnel Development, which began in 1966, provides financial support to provide an adequate supply of qualified special education and related services personnel. The program has had four major purposes: (1) preparation of fully trained and certified special educators; (2) preparation of support personnel and training of parents; (3) special education training for regular education teachers; and (4) development of innovative teacher training models. Activities include preservice and inservice training opportunities for teachers of mildly, moderately, severely and multihandicapped children. Based on emerging state and local needs, training programs have also been targeted to (1) preparing special educators for rural and urban areas as well as special populations, such as bilingual, preschool, multiple, and severely handicapped children; (2) training for support personnel, such as teacher aides, diagnosticians, school psychologists, non-instructional staff (i.e., administrators, interdisciplinary personnel), and regular classroom teachers; (3) training of parents and volunteers, as well as (4) developing and replicating preservice and inservice models and instructional materials.

Institutions of higher education, state and local education agencies and other nonprofit institutions and agencies may apply for funding. Although the majority of grantees are colleges and universities, individuals may receive financial aid indirectly through a recipient institution.

In FY 1982 the program provided preservice training for 7,174 special educators and support personnel. It also provided inservice training for 21,131 special educators, 82,821 regular classroom teachers, 23,396 administrators and supervisors and 65,876 other school and support personnel.

The FY 1982 appropriation for this section was $49,300,000. Of that total, $28,594,000 was allocated for preservice training; $20,706,000 was allocated for inservice training and $1,168,403 was allocated for 14 parent training centers.

SPECIAL EDUCATION PERSONNEL DEVELOPMENT

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$75,000,000	$80,000,000	$85,000,000	$90,000,000	$58,000,000	$58,000,000
Appropriation	45,345,000	57,687,000	55,375,000	43,500,000	49,300,000	49,300,000

RECRUITMENT AND INFORMATION: EDUCATION OF THE HANDICAPPED ACT, PART D, SECTION 633 (20 U.S.C. 1433)

The Recruitment and Information Program has a three-fold purpose: (1) encouraging careers in the field of special education where there are shortages; (2) promoting greater public awareness of the needs of handicapped children and of the services that are available to them, and (3) assisting parents to locate appropriate programs and services for their handicapped children. Before 1969, the program supported a national clearinghouse for preparing and distributing information on important issues. A media campaign to direct inquiries by parents to federally funded parent centers was also supported.

Grants or contracts are awarded on a competitive basis to public or nonprofit private agencies, organizations or institutions.

In FY 1982, $720,000 was appropriated and used for a contract to fund a new national clearinghouse. The previous one, Closer Look, had been funded since 1976.

RECRUITMENT AND INFORMATION

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$2,000,000	$2,000,000	$2,500,000	$2,500,000	$1,000,000	$1,000,000
Appropriation	1,000,000	1,000,000	1,000,000	75,000	720,000	720,000

RESEARCH (INNOVATION AND DEVELOPMENT): EDUCATION OF THE HANDICAPPED ACT, PART E, SECTIONS 641–643 (20 U.S.C. 1440–1443)

Innovation and Development, the basic research program for special education, is directed at developing new knowlege, methods, and materials to help state and local education agencies fulfill their commitment to provide handicapped children an appropriate education. Because research and demonstration activities tend to be of national significance, an effort is made to develop mechanisms that will produce the broadest possible diffusion, utilization and implementation of the products of research and development. Research has been both field initiated and agency directed.

Grants and contracts are awarded to state and local educational agencies, institutions of higher education, and other public and private agencies. Projects can be funded up to 5 years and awarded through national competition.

In FY 1982, $7.8 million was appropriated for 64 research projects with a range of purposes including research on programs for orthopedically impaired, hearing-impaired, mentally retarded, speech impaired, visually impaired, emotionally disturbed, and learning disabled. In addition to the research projects, 29 model demonstration projects were supported. During FY 1982 the Innovation and Development program produced over 50 products and materials for the education of the handicapped, 40 publications in profesional journals, 185 research reports, and model programs for 1,110 handicapped children.

INNOVATION AND DEVELOPMENT

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$20,000,000	$20,000,000	$24,000,000	$26,000,000	$20,000,000	$20,000,000
Appropriation	20,000,000	20,000,000	20,000,000	15,000,000	10,800,000	12,000,000

INSTRUCTIONAL MEDIA: EDUCATION OF THE HANDICAPPED ACT, PART F, SECTIONS 651–653 (20 U.S.C. 1452–1453)

The Instructional Media program produces and distributes materials for handicapped students, their parents, educators and employers. This program began in 1958 when Congress authorized a program to produce and lend captioned films to the deaf, and was later expanded to include media services for all handicapped persons. The main purposes of the program are to provide for acquiring, captioning, and distributing captioned films through a free loan service and for conducting research in the development and use of educational films and other educational media for deaf and other handicapped persons.

The program components include: (1) a loan service for captioned films and educational media which supports projects that make television and film accessible to deaf and hearing-impaired persons by developing, adapting, producing, and distributing captioned films and other recorded materials; (2) centers for educational media and materials which provide a comprehensive program of activities to facilitate the use of new educational technology for the hearing-impaired and severely handicapped; (3) a marketing and implementation component, from 1977, which supports contracts to help ensure that educational materials and media products are disseminated to handicapped students and the personnel who work with them; (4) a demonstration and development component, which funds projects to conduct research in educational media for the handicapped, produces and distributes educational media, and trains persons in the use of media for instructional purposes; (5) the National Theatre for the Deaf which is a company of deaf actors who tour nationally, perform for a variety of audiences, pro-

vide theatre arts instruction to school programs, and conduct summer sessions to improve public perception of handicapped persons; and (6) recordings for the blind, which support the recording of textbooks on tape which assist visually handicapped students.

Grants and contracts are awarded on a competitive basis to local and state educational agencies, institutions of higher education and public and nonprofit agencies. Projects are approved up to 3 years, however, awards are made annually with renewals funded on the basis of a project's effectiveness, replicability and availability of funds.

For FY 1982 $11.5 million was appropriated for 94 projects.

INSTRUCTION MEDIA FOR THE HANDICAPPED

	Fiscal year—					
	1978	1979	1980	1981	1982	1983
Authorization	$24,000,000	$25,000,000	$27,000,000	$29,000,000	$19,000,000	$19,000,000
Appropriation	19,000,000	19,000,000	19,000,000	17,000,000	11,520,000	12,900,000

IV. Provisions of the Bill

The Committee bill amends provisions of the Education of the Handicapped Act of 1970, Public Law 91-230, makes technical changes, and authorizes new provisions. These amendments are described, insofar as is possible, according to the order in which they appear in the Committee Bill, S. 1341.

PART A—SECTION 603: DESIGNATION OF THE AGENCY FOR SPECIAL EDUCATION

The Committee bill amends Section 603 to reflect the establishment of the Office of Special Education and Rehabilitative Services by Public Law 96-88, the Department of Education Organization Act, and to make technical and conforming changes with respect to the designation of the name of the agency, the title of the agency administrator, and the rate of compensation for the agency administrator and staff.

PART B—SECTION 618: EVALUATION

The Committee measure amends Section 618 of Education of the Handicapped Act to strengthen the evaluation requirements. The evaluation section of Part B authorizes the collection of data and the conducting of studies in order to measure and evaluate the impact of the Education for all Handicapped Children Act, Public Law 94-142. The annual report to Congress, which provides necessary information for policy-making, is also authorized under this section.

The Committee bill directs the Secretary to conduct studies, investigations, and evaluations (1) to determine the progress of implementation of the Act, the impact of the Act and the effectiveness of state and local efforts to provide a free appropriate public education to all handicapped children and youth, and (2) to provide Con-

gress with information to assist in policy decisions and to provide Federal, State and local education agencies with information relating to program management and administration.

The Committee directs the Secretary to continue to collect data from the states, analyze and synthesize that data and submit conclusions and recommendations for improving the programs under Part B to Congress. The Committee recognizes the importance of special studies, which complement and supplement the information gathered through the collection of state data, and therefore directs the Secretary to conduct special studies on pertinent issues concerning the evaluation of the programs under Part B. The special studies combined with the collected state data provide a broad framework from which to base policy decisions.

The Committee bill retains the provision for data collection (Sec. 618(b)(2)) which provides information regarding the implementation of the Education for all Handicapped Children Act. This information is vital for monitoring the implementation of the mandate, and needs to be further delienated by age category. Data has been reported in the past within the following age categories: 3–5, 6–17,18–27. In order to have more precise information the Committee directs the Secretary to report the data in the following age categories: 3–5, 6–12, 13–17, 18–21. In light of the unmet needs of secondary age students (which prompted the creation of section 626 of this bill, Secondary Education and Transitional Services) it is important to have data on the number of students served in the 13–17 age range, as well as the educational setting in which those services are provided.

Since the Act is now seven years old it is necessary to look beyond implementation and towards impact beyond the number of students served and towards the effectiveness of services. Of particular concern to Congress is the impact of the Act on handicapped children and youth and their families. The Committee bill requires the Secretary to provide, by grant, contract, or cooperative agreement, in-depth evaluation studies to determine the impact of the Act. Each evaluation is to include recommendation based on the findings of the study for improving programs authorized by the Act. The difficulty and complexity of this task is not underestimated by the Committee, however, the need for impact and effectiveness data is crucial for future policy-making.

The Committee bill directs the Secretary to submit, not later than January 30 of each year. evaluation priorities to the appropriate Committees in each House of Congress for review and comment. The Secretary may include these evaluation priorities in the annual report to Congress. The Committee bill authorized the Secretary to enter into cooperative agreements with state educational agencies to assess the impact and effectiveness of programs assisted under the Act. The Committee believes that local educational agencies, state educational agencies, and the federal special education agency working together could produce comprehensive and useful information on the impact and effectiveness of these programs which could lead to program improvements at the federal, state and local levels.

The Committee measure mandates two specific in-depth evaluation studies. One study is to be a longitudinal study of a sample of

handicapped students (encompassing the full range of handicapping conditions) examining their educational progress while in special education and their status after leaving secondary school. The Committee directs the Secretary, while conducting the study, to examine the status of the sample of handicapped youth at regular intervals for a period of at least five years after they have left secondary school, and to provide information regarding the services the handicapped youth are receiving and the agency providing the services.

The second study is to focus on obtaining and compiling current information from State and local education agencies and other service providers regarding State and local expenditures for educational services for handicapped students so that a per pupil expenditure by handicapping condition can be calculated. Realizing the difficulty and expense of conducting such a study on an annual basis, the Committee directs the Secretary to conduct this study every two years.

The final changes in section 618 in the Committee bill are related to the annual report. The changes are intended to make the document more comprehensive and to improve its dissemination. The following are required to be included in the annual report: (1) an index and summary of each evaluation activity and the results of the evaluation studies, (2) a compilation and analysis of data, (3) a description of findings and determinations resulting from monitoring reviews of states, (4) an index of all research projects conducted under Part E, (5) data collected under sections 635 and 653 of the Act as amended by this measure, (6) an analysis and evaluation of the effectiveness of State efforts to provide special education and related services to handicapped students in the least restrictive environment commensurate with their needs and to improve instructional programs in day or residential facilities, and (6) recommendations for change in this Act or any other Federal law providing support for the education of handicapped children or youth. The intent of including the findings from state monitoring reviews is to provide documentation regarding persistent problems state and localities experience in implementing the provisions of the Act.

The annual report to Congress is the reporting mechanism by which Congress and the public receive information on the implementation of Part B of the Act. It is crucial that the annual report to Congress be comprehensive, accurate, and up-to-date. Data, analysis of data, and synthesis of data are mandated by Congress to be included in the annual report so that Congress can have information necessary to exercise its oversight function. Restricting data collection or comprehensive reporting by limiting the number of computer hours, the number of pages of the report, the number of copies of the report printed, or the dissemination of the report are contrary to the intent of the law. Those activities related to the reporting of information regarding the evaluation, implementation and impact of Part B of the Education of the Handicapped Act should not be compromised in any way that would result in less or inferior information in order to relieve administrative burden. The Third Annual Report to Congress of 1981 is an example of a comprehensive and accurate document which should be used as a basis for improving future annual reports.

The Committee directs the Secretary to disseminate that annual report to Congress, to the education community at large, to the National Council on the Handicapped and to other interested parties in sufficient quantities. Since this document is the single most comprehensive source of current information regarding the state of the education of the handicapped, its wide dissemination is crucial in order for it to be utilized to its greatest benefit.

The Committee intends for this section to generate a broad and in-depth set of evaluation activities focusing on impact and effectiveness studies. The Committee bill retains the provision for the data collection as it has been carried out in the past and intends for the targeted studies and state cooperative evaluation studies to provide in-depth information regarding the impact and effectiveness of the Act.

PART B—SECTION 619: PRESCHOOL INCENTIVE GRANTS

The Committee bill retains the current provisions of the preschool incentive grant program. This program was established by the Education for All Handicapped Children Act, Public Law 94-142, and since October 1, 1977, when Public Law 94-142 went into effect, an average of 221,000 preschool handicapped children ages 3-5 have received services annually.

The Committee bill amends this program by permitting States to use their preschool incentive grants to provide special education and related services to handicapped children from birth to three years. It is reported that three out of four handicapped children in the preschool age range are not receiving special education and related services. The Committee believes that the earlier handicapping conditions can be diagnosed and ameliorated, the less costly the special educational services will be which the child will need during his or her school years. While the Committee has at this time chosen not to require States to serve such children, it does intend to encourage States to utilize funds authorized under this section to serve the full age range of preschool handicapped children.

The Committee bill does not amend the formula used to determine the amount of the preschool incentive award. Therefore, even though States will be allowed to use the preschool incentive grants to serve children from birth, only those children age three through five who are served by the program may be counted for the preschool award.

The Committee recognizes the numerous benefits incurred when early intervention services are provided for handicapped children and infants. Studies document the following results: fewer handicapped children labeled as mentally retarded, fewer years spent in special education, fewer grades repeated in school, more handicapped students completing high school, and fewer federal, state and local dollars needed for educating handicapped children. Furthermore, cost-effectiveness studies have shown the savings to be between $9,000-$10,000 per child through age 18, when intervention was provided at age three or earlier. (Early Intervention for Children with Special Needs, 1980).

The Committee intends to review this program very carefully during its oversight of Part B of Public Law 94-142 in 1984.

PART C—SECTION 621: REGIONAL RESOURCE CENTERS

The Committee bill amends Section 621 to reflect the current program as administered by the Office of Special Education of the U.S. Department of Education. This program was part of the original Education of the Handicapped Act, P.L. 91-230. The focus of the program has shifted from assessment and other direct services to technical assistance in identifying and solving persistent problems in providing educational services to handicapped children and youth, and in identifying and replicating successful special education programs and practices.

It is the intention of the Committee to redefine the mission of the Regional Resource Centers to reflect the changing and emerging needs of the field of special education. Originally regional resource centers assisted in the implementation of P.L. 91-230 by providing direct special education services to complement and supplement state and local efforts. They also demonstrated exemplary special education practices. The emphasis has shifted to indirect services by providing technical assistance, such as training, consultation, and curriculum development. The emphasis must now shift to improving the quality of special education and related services offered to handicapped children and youth.

The success of the regional resource center program is well documented. A Department of Education study found that the expertise made available through the program is considered invaluable by state education personnel in providing local education agencies with assistance in the provision of quality services to handicapped children and youth. It is the Committee's intention that regional resource centers assist the state education agencies and through them local education agencies, to expand and improve quality special education and related services. It is expected that the state education agencies will share information, methods and materials provided by the centers with local education agencies, the intended beneficiaries of this program.

The committee further intends that the network of centers will coordinate their activities offering a broad range of expertise to all state education agencies. It is expected that subcontracting for alternative sources of expertise will be limited to those situations where it is either more cost-beneficial than the Regional Resource Centers providing the services themselves, or clearly necessary.

PART C—SECTION 622: CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

The Committee bill basically retains the provisions of this section as enacted in P.L. 91-230 on April 13, 1970. The existing provisions provide for direct services including assessment, instruction, and consultation with parents. A clause is added which allows for technical assistance and other indirect services.

It is the intention of the Committee to place emphasis on technical assistance and other indirect services. State and local education agencies are mandated to provide direct services to deaf-blind chil-

dren and youth and are successfully doing so according to a study conducted by the American Institute for Research (Evaluability Assessment of the Deaf-Blind Centers and Services Program, Palo Alto, California, 1982). The American Institute for Research Study also states that the Deaf-Blind Centers should focus on indirect services, training, curriculum and materials development, and the demonstration of the best special education practices.

In a 1981 Forum Report, it is stated that the majority of the deaf-blind population is severely and multiply handicapped. These deaf-blind individuals who have additional handicaps have needs requiring even more specialized services. In addition, another recent study found that 80% of deaf-blind children and youth will have to be institutionalized when they reach the age of 21 because alternatives for older deaf-blind individuals are not available.

It is the Committee's intention that the centers give priority to underserved populations such as (1) these deaf-blind children and youth with multiple handicaps and (2) older deaf-blind individuals.

It is the Committee's intention that several alternatives should be pursued by the centers to prevent the institutionalization of older deaf-blind individuals, including the provision of prevocational and vocational training, alternative community living arrangements, total life planning, and coordination between state and community social service agencies for meeting the long-term needs of deaf-blind individuals.

The Committee also notes that the resources offered by these centers should be made available to certain severely, multiply handicapped children. For example, children who are both blind and mentally retarded or children who are deaf and have cerebral palsy might be served by the deaf-blind centers.

The Committee recognizes that the deaf-blind centers serve handicapped individuals who, due to the severity of their handicapping condition, require specialized services. However, the committee wishes to emphasize that the program under this section is meant to enhance and promote the concept of least restrictive environment. It is not the intention of the Committee that these centers replace the public school setting. It is the intent of the Committee that these children be educated with their non-handicapped peers to the greatest extent possible while still receiving special education and related services according to their unique needs. Therefore, the Committee directs Centers for deaf-blind children and youth to give technical assistance to other educational agencies serving these individuals to assure them an appropriate education in the least restrictive environment.

PART C—SECTION 623: EARLY EDUCATION FOR HANDICAPPED CHILDREN

The Committee bill retains the current provisions of the Early Education for Handicapped Children program. This program was part of the original Education of the Handicapped Act, PL 91-230 which superseded the Handicapped Children's Early Education Assistance Act, PL 90-538. According to the Department of Education this program has been successful in encouraging expansion of early childhood programs among the States. A Department study of 21 demonstration projects funded in the first year of this program

(school year 1971-72) showed that 86 percent of the projects had been maintained by local funds 7 years after the Federal support ended.

The Committee bill amends this program by authorizing the Secretary to make grants to or enter into contracts with State educational agencies to develop a State plan to provide special education and related services to handicapped children from birth to 8 years of age and to disseminate information on successful models and practices in early education for handicapped children.

The Committee bill has included the provision in Section 623 relating to a State plan to encourage state-wide planning and coordination of all early education programs so that handicapped children and infants will have an opportunity to receive early intervention, infant stimulation and other needed services to ameliorate the effects of handicapping conditions and to enhance their developmental potential. This planning activity is discretionary; however, the Committee believes that the benefits to handicapped children and infants can be substantial and urges the Secretary to consider it a priority matter. The Committee stresses that this plan is included in the bill to facilitate the coordination of and development of early education resources for handicapped children and infants, and it should be considered a separate activity from the State plan mandated under Part B of this Act.

The Committee recognizes that the Early Childhood Education Program has been praised repeatedly for its effectiveness in providing direct early intervention to handicapped infants and preschoolers. It is a model domonstration program that has been successfully replicated.

PART C—SECTION 624: RESEARCH, INNOVATION, TRAINING AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

The Committee bill retains most of the provisions of this section which was enacted on April 13, 1970, in PL 91-230. This section provides a general authority for research, training and dissemination activities connected with the services and centers funded under Part C.

Since 1978 a program for the severely handicapped has been funded out of this general authority. It has never been specifically authorized although a budget line for appropriations has been available since its inception.

The Committee recognizes the value of a program targeted on meeting the needs of severely handicapped children; and in order to assure the continuation of the program, has specifically authorized this activity.

PART C—SECTION 625: POSTSECONDARY EDUCATION PROGRAMS

Postsecondary education programs were first authorized under the Education Amendments of 1974, PL 93-380. The model programs developed under this section thus far have served an invaluable function in opening up opportunities which just a few years ago never existed for many disabled young persons interested in

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pursuing some form of postsecondary education or vocational training.

The Committee bill retains the authority of the Secretary to make grants to or enter into contracts with institutions of higher education, including junior and community colleges, vocational and technical institutions and other appropriate educational agencies, for the development and operation of these specially designed programs of postsecondary, vocational, technical, and adult education for handicapped individuals. In an effort to increase the range of opportunities available for handicapped individuals, the Committee has added continuing education as a program that should be available for the handicapped. The Committee bill renames this section "Postsecondary Education Programs" which is meant to include the entire range of educational programs as specified in this section.

According to a recent study conducted by the American Council on Education, 5.4 percent of those entering college for the first time are handicapped. This represents an over 100 percent increase in the enrollment for such students since 1978 when the figures were first collected. The number of learning disabled students has doubled. Furthermore, it is expected that at least 7 percent of today's special education students will need and want to pursue some form of postsecondary education or training upon leaving high school.

The Committee recognizes the importance of the postsecondary programs for deaf individuals and directs the Secretary to continue four programs, funded on a competitive basis, which serve deaf individuals. The Committee directs the Secretary to expand the program under this section to emphasize the inclusion of individuals with handicaps other than deafness, while at the same time maintain existing funding for the postsecondary programs serving deaf individuals.

The Committee intends to encourage the continuation of smaller research and demonstration projects on postsecondary services for individuals with the handicapping conditions cited under section 602(1) of the Education of the Handicapped Act. Programs should be developed which are appropriate for all handicapped individuals.

It is the intention of the Committee that the term "handicapped individuals" encompass the same handicapping conditions as those cited under Section 602(1) of the Education of the Handicapped Act.

The Committee bill also authorizes a national clearinghouse on postsecondary education for handicapped individuals. The national clearinghouse on postsecondary education should collect information concerning postsecondary issues for the handicapped and broadly disseminate this information. This clearinghouse should be a valuable source to handicapped youth and the professionals who work with them. It should provide current information related to the needs of handicapped youth, such as adapting the learning environment to meet their needs.

PART C—SECTION 626: SECONDARY EDUCATION AND TRANSITIONAL SERVICES

The Committee is aware that one of the most challenging times in any young adult's life is that transitional period from secondary school to postsecondary education or training or work. For some handicapped youth, the years of transition can be even more challenging. A number of studies and testimony presented before the Subcommittee on the Handicapped have indicated a need to provide assistance to secondary age handicapped youth to facilitate their transition from secondary school to postsecondary education, additional vocational or technical training, work, and/or independent living.

The Committee notes that a 1979 report by the Health, Education and Welfare Inspector General, which surveyed 24 local education agencies in 6 states, found that "special education programs are weak at the junior high and high school levels." This study, entitled "Education for the Handicapped: A Service Delivery Assessment," included the observations that there was a need for more individualized attention at the secondary level; that there was a need for vocational training, counseling, and greater emphasis on provision of pre-vocational skills; a need for practical daily living and socialization skills; and a need to improve academic skills.

In addition, data collected in 1980 by the National Center for Education Statistics indicated that handicapped students accounted for only 2.4 percent of the total vocational education enrollment. The Committee notes that a 1981 Government Accounting Office Report, "Disparities Exist in Who Gets Special Education," found that about 67 percent of the children provided special education in the public schools are 12 years of age or younger. This report further indicated that "underserved" handicapped children include secondary age students and 18-21 year old students. The Fourth Annual Report to Congress on the implementation of Public Law 94-142, The Education for All Handicapped Children Act, states that "study after study has concluded that vocational education opportunities for handicapped secondary students are inadequate".

During the 1979 oversight hearings held by the Subcommittee on the Handicapped on the implementation of the Act, a witness, in response to a question submitted for the hearing record, noted that there "is no question that special education services at the secondary level need strengthening . . . there is a continuing need for more comprehensive services, particularly vocational and pre-vocational services . . ." Testimony presented before the Subcommittee on March 23, 1983, further reinforced the need for quality programs for secondary age handicapped students. The witness noted that "secondary education must . . . structure the transition from school to work and adult life", and pointed out that studies in Oregon, Vermont, and California "all show alarming levels of unemployment of recent graduates." The witness suggested that the Federal government assume a leadership role in addressing the needs of handicapped youth and recommended that a new special education program be established to provided this national leadership.

The Committee has responded to the needs of secondary age handicapped students by authorizing a new program, Secondary and Transitional Services for Handicapped Youth. This new initiative provides authority for the development of model secondary and transitional programs to assist handicapped youth in acquiring the skills and knowledge to successfully bridge the transition from secondary school to postsecondary education, continuing education, additional vocational or technical training, work, and/or independent living. In addition, the Committee intends this program to facilitate handicapped youths' transition from the educational system to vocational rehabilitation and other social service systems through coordination and linkage activities.

The Committee directs the Secretary to stimulate the improvement and development of secondary special education programs, including specially designed vocational programs to increase the potential for competitive employment of handicapped youth as well as research and development projects for exemplary service delivery models and the replication and dissemination of successful models. The Committee intends that the programs and projects be designed to expand and improve vocational training programs, job placement activities, and follow-up and evaluation activities.

In addition, the Committee directs the Secretary to ensure that the program under this section provides for development and implementation of strategies and techniques which allow handicapped youth to make a successful transition from school to work, postsecondary education and adult services. To the greatest extent possible, projects and programs should be developed and implemented to facilitate interaction between handicapped individuals and their non-handicapped peers.

The Committee reiterates its intention that this initiative encourage coordination among the various agencies, organizations and institutions which serve handicapped youth. The Committee expects that such coordination efforts will be directed towards goals which directly benefit handicapped youth, such as increased access to vocational training, placement services, and other related services.

In awarding grants and contracts under this section the Committee urges the Secretary to encourage applicants from both educational agencies and vocational rehabilitation agencies and facilities, as the Committee believes that effective models can and should be developed by both school systems and rehabilitation programs in coordination with each other.

This section is not intended to be the sole source of funding for research and demonstration projects for secondary level handicapped youth. Rather, it is meant to complement existing sections in the Act providing funding for research and demonstration projects for elementary and secondary age handicapped youth.

The Committee bill includes authority for the Secretary to conduct demographic studies which provide information on the number, age levels, types for handicapping conditions of handicapped youth, and services required of handicapped youth in need of transitional programs. Although the Committee intends that this new program be expeditiously implemented, the Committee notes that information obtained from these demographic studies can be

useful in targeting the resources of the program and urges the Secretary to promptly respond to this need for information. In addition, there is a need for a study of how all existing public (Federal, State, local) and private financial resources available to handicapped persons can best be utilized in meeting their special postsecondary needs.

The Committee also recognizes the need for a cross-disability postsecondary model demonstrating how handicapped young persons can best be prepared for careers, including those in the high technology fields and the need for a study on how the vocational, social and developmental needs of those not able to attend college might be met by other programs and services in the community.

It is the intention of this Committee that the term handicapped youth encompass the same handicapping conditions as those cited under section 602 (1) of the Education of the Handicapped Act.

PART C—SECTION 627: EVALUATIONS (FOR PART C)

The Committee bill retains the current provision. The Committee recognizes the need for information on the effectiveness of these discretionary programs.

It is the intention of the Committee that all programs under Part C be evaluated on a regular basis and the results be included in the annual report and/or submitted separately to the appropriate Committees of Congress.

PART D—SECTION 631: A. TRAINING FOR PERSONNEL

Preservice

The Committee bill retains the authority of the Secretary to make grants to provide preservice training for special education and related services personnel. This training activity was first authorized under the Education of the Handicapped act, PL 91-230, which superseded grants for Teaching in the Education of Handicapped Children, PL 85-926. Current provisions providing support through scholarships and stipends for the training of professional personnel to conduct training of teachers, researchers and other specialists in fields related to the education of handicapped children and youth are retained.

The Committee wishes to make clear that the purpose of Section 631(a)(1) is to provide training for special education personnel and related services personnel including the vast array of such persons necessary to provide services to handicapped children and youth. The Section cites examples of personnel who could be trained under this authorization, however, it is not the intent of the Committee to limit personnel training to the examples cited. It is also not the intention of the Committee that all the examples listed be given equal consideration in funding. Priority should be given to special education and related services personnel who provide direct services to handicapped children and youth.

Furthermore, the Committee expects the Secretary to assure that preservice programs funded under this Section meet State and professionally recognized standards for the preparation of special education and related services personnel.

The Committee bill also emphasizes the importance of supporting demonstration and model programs for preservice training. The purpose of these model and demonstration programs is the development and validation of preservice training practices for special education and related services personnel including, but not limited to, teachers of handicapped children, physical education and recreational personnel who plan to work with handicapped children and youth, personnel serving children with speech, language and hearing-impairments, related services personnel, and special education researchers. The Committee intends that preservice model and demonstration programs focus on the definition and validation of skills of those personnel preparing to enter fields which will help meet the special educational and related services needs of handicapped children and youth, and develop programs and practices which will capitalize on these skills.

This Section is also designed to support programs for the preservice training of special education personnel preparing to assume leadership roles in research, administration, supervision, teacher training, clinician training and in other areas that contribute positively to the provision of special educational programs of high quality for handicapped students.

The Committee bill adds a provision allowing preservice training for regular education personnel. It is the intention of the Committee that limited preservice training in special education is to be provided to those planning to enter the regular education field. This preservice training could include seminars, workshops, or selected courses. The Committee believes it is important that regular education personnel be prepared to work with handicapped children, to understand their special education and related services needs, and to accept handicapped children and youth in the regular educational setting. This limited preservice special education training will help support the integration of handicapped children in regular classses when appropriate. It is not the intent of the Committee that this new provision support general training for regular education teachers.

Special contract authority

The Committee expects that the Secretary in carrying out the purpose of Subsection 631(a) will conduct all awards through an open grant process. The Committee, however, realizes that open competition may result in significant gaps in offering critical special education and related services. Shortages of personnel trained to work with students with specific handicapping conditions or in specific geographical areas may result. Therefore, the Committee has added a provision permitting the Secretary to utilize not more than 5% of the funds appropriated for this Subsection for contracts to meet the critical special education and related services needs not adequately addressed through the grant process. It is the intention of this Committee that the contract authority be restricted only to those programs, projects and activities carried out under this special provision.

Inservice

The committee bill provides for support of demonstration and model programs for inservice training of special and regular education and related services personnel.

It is the intent of the Committee that inservice training be available to para-professionals such as teacher's aides, who help special and regular education teachers in providing appropriate special educational and related services to handicapped children and youth.

The Committee intends that demonstration and model programs be used as examples of how continuous inservice training can provide special, general and support personnel with the basic knowledge and skills needed to serve handicapped children and youth.

PART D—SECTION 631: B. PARENT TRAINING AND INFORMATION PROGRAMS

New authority is provided to the Secretary of Education to make grants to private, nonprofit organizations to establish and operate parent training and information programs. The Committee bill provides for a ten-percent set-aside of the total funds appropriated for activities under Section 631 to support these programs. In order to be eligible for a grant under this section, each private nonprofit organization must serve the parents of children with the full range of handicapping conditions. The organization must be governed by a board, the majority of which is parents of handicapped children, and which is to also include professionals from special education and related fields who serve handicapped children and youth. The Committee urges parent organizations who are recipients of these grants to utilize the expertise of special education professionals in the design and implementation of the parent training information program.

It is the intent of this Committee that these programs better prepare parents to participate effectively with professionals recognizing and addressing the special educational needs of their handicapped children. These programs are to be distributed throughout the United States taking into account not only the needs of urban and rural areas but those of States and regions.

The precedent for parent training and information programs has already been established. Currently, the Office of Special Education, within the U.S. Department of Education, supports 14 parent training and information centers serving 17 States. It is the intention of the Committee to encourage parent training and information activities for parents of handicapped individuals who, due to economic, geographic, cultural, or other factors have the greatest difficulty participating in the educational process.

The Committee views these programs as fostering a better understanding between parents and special education professionals, thus reducing the incidence of formal due process procedures and eventual litigation. Congress recognized the critical role that parents play in the education of their handicapped children by mandating in PL 94-142 parental involvement in the development and implementation of handicapped children's individualized educational programs. Studies supported by the Department of Education have

shown that increased parental involvement in the school system has resulted in improved student attitudes, improved conduct and attendance, improved communication between parents and teachers, and improved parental understanding of their children's needs.

PART D—SECTION 633: RECRUITMENT AND INFORMATION

The Committee bill basically retains the current provisions for recruitment and information. This section, which has been renamed "Recruitment of Educational Personnel and the Provision of Information Concerning the Education of Handicapped Individual" was enacted by the Education of the Handicapped Act, P.L. 91-230. Under this section the Secretary is authorized to make a grant or contract to establish a national clearinghouse for the purposes of (1) developing and distributing recruitment materials to encourage students and professionals to enter a field to work with handicapped individuals and (2) disseminating information about federal programs for the education of the handicapped and (3) providing information on how to participate in such programs as well as referring individuals to appropriate national, state, and local agencies and organizations.

It is the intention of the Committee that a limited portion of the funds for this section be used for recruitment efforts to complement the activities under Part D in addressing the recognized shortage of qualified personnel in the field of special education.

The Committee intends that the priority for this section shall be a national clearinghouse to gather and disseminate information on educational programs and services and other relevant topics concerning handicapped children and youth.

SECTION 635: REPORTS TO THE SECRETARY

The Committee bill expands the reporting requirements of Section 635. The provisions are delineated in the Committee bill to specify data which must be included in each report to the Secretary. Reports from grantees under Section 631(a) should include the number of individuals trained under the grant by category of training and level of training and the number of individuals trained under the grant receiving degrees and certification, by category and level of training. It is essential that this data be reported on a regular basis as a part of the necessary manpower information regarding special education and related services personnel. This data is required to be reported in the annual report to Congress authorized under Section 618(d).

Grant recipients under Subsection b of Section 631 are required to submit a report to the Secretary at the end of each fiscal year. Each such report shall include, at a minimum, the number of parents trained under the grant. Report information is required to be included in the annual report to Congress authorized under Section 618(d).

PART E—SECTION 641: RESEARCH

The purpose of Part E is to conduct research and research related activities to improve the provision of special education and related services to handicapped children and youth.

The Committee measure makes some changes to the research authority of the existing part. *The Committee bill specifies the purposes* of the research and research-related activities under this part. The Committee bill directs the Secretary to publish a list of research priorities for public comment every two years, provide an index of all research projects, and encourage the coordination of research priorities of the Office of Special Education with the National Institute of Handicapped Research.

It is the Committee's intention that research priorities be determined with input from the field of special education and related disciplines and that the research and research related activities reflect the priorities. However, on those occasions where a research issue emerges that needs to be addressed expeditiously and that is not referenced in the priorities, the Committee believes that the Director of the program should have the flexibility to respond if delaying that response until a new set of priorities were established would not be in the best interests of handicapped children. Furthermore, it is the Committees intention that the results of all research and research related activities be readily available to interested parties.

The Committee directs the Secretary to give primary focus to improving the quality of special education and related services provided to handicapped children and youth, including the development of effective practices, methods media and materials, and service delivery models. Continued research in teaching and learning related to the education of the handicapped is crucial. Dissemination of all research findings is paramount in order for the information to be utilized in the best interest of handicapped individuals.

It is also the intention of the Committee that this program continue to provide for research on solutions to problems related to the education of handicapped children and youth. The Committee intends that the field and student initiated research projects and successful model projects be continued.

PART E—SECTION 643: PANELS OF EXPERTS

The Committee measure amends the Panels of Experts authority by expanding the function of the panels of experts so that they can be utilized under Parts C, D and F, as well as E and by directing the Secretary to include the following individuals on each panel of experts:

(1) individuals from the field of special education and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals; and

(2) handicapped individuals and parents of handicapped individuals, when appropriate.

It is the intention of the Committee that each panel of experts meet together as a body and reconvene if necessary to consider continuations of proposals.

PART F—SECTION 651-3: INSTRUCTIONAL MEDIA

The current provisions of the instructional media section are retained. The program includes captioned films, a service for loaning captioned films, and educational media and materials centers for designing and developing instructional media and materials. This part was enacted April 13, 1970 as part of P.L. 91-230.

As originally established in 1958 this program was to provide captioned films and related media to the deaf population. While it has since been broadened to benefit other handicapped individuals, deaf persons remain the principle target group for this program. The Committee finds that these services are essential for bringing deaf persons into the cultural mainstream of our society, and for assuring their educational development and enrichment. It is the view of this Committee that the communication needs of the deaf are unique, and that they are unlikely to be addressed at other levels of society, due to the relatively low number of deaf individuals and their geographic disperison. The development of highly specialized media services and products, the stimulation of innovative media applications, and the exploration of technological advancements for the deaf are not commercially viable in the private sector, nor feasible on a state-by-state basis. The Committee, therefore finds a continuing need for centralized media services and service delivery for deaf individuals.

Nevertheless, it is the intention of the Committee that children and youth with the full range of handicapping conditions benefit from this educational media and materials program to the greatest extent possible.

It is also the intention of the Committee that this program include a focus on educational technology and its implications for special education in general. The new and changing technological advances which contribute to our economic and social growth and prosperity should also benefit the handicapped. An emphasis on new technology will allow special education and related services personnel to keep pace with the development, application, and utilization of technology for the improvement of educational and related services. The media and materials centers shall provide states assistance in developing information resources and support system capacity to assist local education agencies in identifying, selecting, adapting and utilizing new technologies. These centers shall provide the special education community with a source of expertise in the ever emerging field of educational technology and application of that technology to the education of handicapped children and youth.

It is the intention of the Committee that subcontracting by the educational media and materials centers be limited to only those services which cannot be provided by the centers.

EDUCATION OF THE HANDICAPPED

[In millions of dollars]

Section number and program title	Fiscal year 1983 appropriation	Fiscal year 1984 authorization	Fiscal year 1985 authorization	Fiscal year 1986 authorization
Part B:				
618—Evaluation	0.48	3.10	3.27	3.44
619—Preschool incentive grants	25.00	26.33	27.76	29.22
Part C:				
621—Regional resource centers	2.88	5.70	6.01	6.32
622—Deaf-blind centers	15.36	16.00	16.87	17.76
623—Early childhood education	16.80	21.01	22.25	23.42
624—Severely handicapped	2.88	5.00	5.27	5.55
625—Postsecondary education	2.83	5.00	5.27	5.55
626—Secondary education and transitional services		6.00	6.33	6.66
Part D:				
631—Training of personnel and parents	49.30	58.00	61.33	64.66
633—Recruitment and information	.72	1.00	1.05	1.11
Part E: 641, 642—Research	12.00	20.00	21.08	22.19
Part F: 651, 652, 653—Media	12.00	19.00	20.03	21.08

[Dollars in millions]

	Fiscal year—	
	1983	1984
Part B—State grants	$970.0	$1,071.85
Total	$111.25	$1,258.08
Percentage increase		5

SPECIAL INSTITUTIONS

[In millions of dollars]

	Fiscal year 1983 appropriation	Fiscal year 1984 authorization
American Printing House for the Blind	5.0	5.5
Gallaudet College	52.0	56.0
National Training Institute for the Deaf	26.3	28.0

V. Need for Legislation

A NEW INITIATIVE: A PROGRAM FOR SECONDARY EDUCATION AND TRANSITIONAL SERVICES

The Committee recognized the need to authorize a new section for a program on secondary education and transitional services for handicapped youth. There is a great deal of evidence to support this new initiative.

The unmet needs of secondary aged handicapped youth are clear and well-documented. Professionals and experts who work with this population have verified that inclusion of a new section in Part C is essential and long overdue to help meet the increasing educational needs of handicapped youth.

Inclusion of a new section is a statement by Congress that it recognizes these unmet needs and is committed to providing support to meet them. Our educational system must continue the work begun with preschool students by providing quality programs and a continuum of services through and beyond high school which will allow successful transition from the school environment to work, postsecondary education and/or vocational training, and adulthood.

The Committee recognizes the overwhelming paucity of effective programming for handicapped youth, which eventually accounts for unnecessarily large numbers of handicapped adults who become unemployed and therefore dependent on society. These youth historically have not been adequately prepared for the changes and demands of life after high school. In addition, few, if any, are able to access or appropriately use traditional transitional services. Few services have been designed to assist handicapped young people in their efforts to enter the labor force or attain their goals of becoming self-sufficient adults, and contributing members of our society.

The Committee is emphasizing the initiation and development of model programs to help provide more and improved services to this historically underserved population. Dissemination and replication of successful models will be emphasized as well. The primary goal of this secondary and transitional initiative is the eventual creation of programs and services throughout the nation. These programs should have a significant impact on reducing the consistently high unemployment rate for handicapped youth and adults.

The programs under this section should complement, not replace, existing programs for handicapped youth, such as vocational education and vocational rehabilitation. In fact, some of the program models should address the need for better coordination between the agencies that provide services for handicapped youth. Cooperative efforts between service providers must extend beyond the level of secondary programming to the transitional stage as a part of a continuum of preparation, training, and employment in the competitive job market. Cooperation will increase the benefits these individuals can derive from the programs. Interagency cooperation can also provide access to expanded and integrated services which will bridge the existing gaps in services for handicapped youth.

Vocational education could be one of the more beneficial programs offered to handicapped adolescents. And, yet, the following information collected by the Office of Civil Rights illustrates the general inaccessability of vocational education programs for handicapped secondary and postsecondary students.

The data collected during a 1979 vocational education survey have been used to develop the statistical analysis regarding the provision of vocational education services to handicapped students. In the fall of 1979, the Vocational Education Civil Rights Survey went to 8,556 comprehensive high schools, 1,028 area vocational centers, and 1,047 junior and community colleges. Results of the survey show that in vocational education at all levels, handicapped students account for about 2.6 percent of the total vocational education enrollment. However, the overall proportion of handicapped students in all grades in public schools is about 10 percent. This disparity raises questions regarding the number of students with handicaps who could be served in vocational education and those

who actually are enrolled. More data show that of the 4,594,388 students reported as enrolled in secondary and postsecondary vocational education programs, only 117,531 were reported as being handicapped. Of the small number enrolled in regular vocational education programs, high percentages of them are enrolled in the least demanding courses and are assigned to be trained in skills which lead them to low paying jobs.

In addition, the 1979 survey reported the number of secondary age handicapped students who are enrolled in separate vocational programs which are limited to handicapped persons. That number is 41,977 or about 25 percent of the total number enrolled. Thus, it can be concluded that one-fourth of all handicapped students in vocational education are in settings separate from regular vocational programs. It should be noted that the 1979 survey indicates that 535 secondary level schools place 100 percent of their handicapped vocational students in separate programs.

There has been a traditional focus of special education programs and services on elementary age students. The guarantees of The Education for All Handicapped Children's Act, P.L. 94-142, have had a marked impact upon elementary special education programming. As elementary age handicapped students move into secondary education, the need to expand secondary programs becomes critical. It was found that secondary aged handicapped students and those 18-21 are among the underserved. (Disparities Exist In Who Gets Special Education, 1981). It is essential that quality services for handicapped youth as well as for handicapped children be provided. Simple duplication or adaptation of successful elementary level models is not adequate or appropriate (Bellamy, 1983).

Studies have demonstrated the cost effectiveness of early intervention for handicapped children. Early preparation of secondary aged handicapped students for vocational training, employment and independent living has also proven to be successful and cost effective. It is painfully apparent to professionals who are attempting to provide even minimal services for handicapped youth that enough programs just do not exist at the secondary level or beyond. Also, programs that have been successful have not been replicated. Furthermore, these programs serve very few students and often disappear due to the inability of local agencies to continue financial support.

Well-known experts (Wilcox and Bellamy, 1982) repeat the cry of practitioners that "replicable elements of high school models are needed at several levels. Careful attention to defining, field testing, and implementing innovations of local districts may make exemplary secondary services more than the privilege of a few. What is needed is nationwide change, not creation of isolated islands of excellence. While innovation must start locally, it should not finish there."

It is stated in the Fourth Annual Report to Congress (1982) that:

> In all previous reports to the Congress, study after study, has concluded that vocational education opportunities for handicapped secondary students are inadequate. Specific criticism included findings that regular vocational education programs often resist admitting handicapped

students, that little coordination exists between special education and vocational education programs, and that vocational training, if offered to handicapped students, does not adequately teach skills leading to employability.

The high rate of unemployment among youth has been recognized as one of our nation's most critical problems. A more alarming problem regards the high rate of unemployed handicapped youth who are victims of a double disadvantage: they possess handicapping conditions and experience the difficulty that all adolescents have in seeking employment. (Halloran and Razeghi, 1981).

The unemployment problem of handicapped individuals is a direct result of inadequate vocational preparation, a process which should begin during secondary schooling. Special education has not adequately developed program options for handicapped youth and the efforts of other disciplines to provide relevant employment-related training have been fragmented at best. There is not only a need to improve and expand special education for handicapped youth but there is also a need to strengthen other programs which provide educational and training services to handicapped youth, such as vocational education, vocational rehabilitation, and job training. Some examples of the current status of vocational and employment preparation for hanicapped youth follow.

Vocational education

The most recent figure of 3.3 percent represents the largest number of handicapped persons ever served by vocational education at the secondary level (programs under PL 94-482. The Vocational Education Amendments of 1976) Department of Education data indicate that handicapped students are even more underserved by vocational education at the postsecondary level than at the secondary level.

Vocational rehabilitation

Statistics from the Rehabilitation Services Administration show that the least served population within vocational rehabilitation is youth. Acting Assistant Secretary for Special Education and Rehabilitative Services, in response to written questions from Senator Weicker, chairman of the Subcommittee on the Handicapped, confirmed that since the Rehabilitation Act of 1973, as amended, has emphasized services for the severely disabled, services to youth have declined continuously. "Less than 2% of the students, age 14 to 21, covered under PL 94-142 are now . . . receiving services from State vocational rehabilitation agencies" (1983).

It has been reported to the Committee that since interagency cooperative agreements have been developed in response to the Office of Education, Rehabilitation Services Administration Joint Memorandum (U.S. Office of Education October 17, 1977), many vocational rehabilitation agencies have stopped initiating services for handicapped students in high school. It is evident that vocational rehabilitation personnel have interpreted the cooperative agreements to mean that they should not serve these students until they become ineligible under PL 94-142.

Job training

Since 1980, CETA (Comprehensive Employment and Training Act) has served handicapped adults and youth. Approximately 10% of the total CETA recipients for 1981 were handicapped. (This is an aggregate figure combining adults and youth.) However, in the recently enacted Job Training Partnership Act (JTPA) handicapped youth are excluded and are not eligible for any services.

Handicapped youth also have needs for transitional services to assist them as they leave secondary school. Currently, appropriate post-high school services are not available (Hasazi, 1982), and frequently, the few options which may be open to handicapped youth are unsatisfactory or unknown to them (Association for Children with Learning Disabilities, 1983). For example, after high school some handicapped youth enroll in vocational programs which utilize methodologies that do not meet their needs. Because of extremely limited options, some enroll in college programs which are inappropriate for them. Numerous parent and consumer groups concur with special education professionals that if handicapped young people are to avoid pitfalls of unemployment and inappropriate postsecondary placements and other adverse situations which may occur after secondary school, the development of appropriate transitional services is essential (Closer Look, 1983).

The absence of appropriate program design and a continuum of services for handicapped youth is substantiated by experts (Bellamy, 1983) and is demonstrated by the great number of students who leave school without academic, social, or vocational skills. Information on the few exemplary programs which do exist has not been disseminated, and the programs have not been replicated. Many State and local school systems continue to struggle to provide programs and services for students up to age 22. Repeatedly, they identify a need for technical assistance or "seed" ideas to help them facilitate the integration of these young people, who may have unique adjustment needs, into their communities.

Transition into the responsibilities and demands of adulthood and into competitive jobs is not a natural or expected occurrence among handicapped youth. This is particularly true for handicapped youth from institutions who are being integrated into communities. This special population of isolated handicapped individuals experience additional needs fo specialized services. Furthermore, as these young people grow older, many of the problems inherent to their handicapping conditions may become more severe or complex. Thus, it is necessary to place emphasis on secondary programming and on transitional services which are provided at appropriate times, before patterns of unemployment and maladjustment are established.

In conclusion, the Committee has initiated the secondary education and transitional services program to assure that a continuum of services is developed to assist handicapped children and youth. The discretionary activities authorized by Parts C, D, E, and F of the Education of the Handicapped Act supplement and complement the special education and related services provided under Part B of the Act. However, it has clearly been established that a

gap exists in the provision of services to handicapped youth; the Committee intends that this new authority address this need.

VI. Budget Estimate

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 24, 1983.

Hon. Orrin G. Hatch,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1341, the Handicapped Act Amendments of 1983, as ordered reported by the Senate Committee on Labor and Human Resources on May 18, 1983.

Should the Committee so desire, we would be pleased to provide further details of this estimate.

Sincerely,

Alice M. Rivlin, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1341.
2. Bill title: Education of the Handicapped Act Amendments of 1983.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources, May 18, 1983.
4. Bill purpose: To revise and extend certain provisions of the Education of the Handicapped Act. Authorizations are made through fiscal year 1986. This bill is subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1984	1985	1986	1987	1988
Evaluations:					
Authorization level	3.1	3.3	3.4	.....	.....
Estimated outlays	0.1	2.4	3.3	3.2	0.8
Regional resource centers:					
Authorization level	5.7	6.0	6.3	.....	.....
Estimated outlays	0.3	4.4	5.9	5.9	1.5
Centers and services for deaf-blind children and youth:					
Authorization level	16.0	16.0	16.0	.....	.....
Estimated outlays	0.7	12.2	16.0	15.3	3.8
Early education for handicapped children:					
Authorization level	21.1	22.2	23.4	.....	.....
Estimated outlays	0.9	16.2	22.0	22.1	5.5
Innovation and development:					
Authorization level	2.0	2.1	2.3	.....	.....
Estimated outlays	0.1	1.5	2.1	2.2	0.5
Severely handicapped projects:					
Authorization level	3.0	3.2	3.3	.....	.....
Estimated outlays	0.1	2.3	3.2	3.1	0.8
Regional vocational, adult and postsecondary programs:					
Authorization level	5.0	5.3	5.5	.....	.....
Estimated outlays	0.2	3.8	5.3	5.2	1.3

	1984	1985	1986	1987	1988
Special education personnel development:					
Authorization level	58.0	61.2	54.4	.....	.....
Estimated outlays	2.6	44.5	60.6	60.8	15.1
Recruitment and information:					
Authorization level	1.0	1.1	1.1	.....	.....
Estimated outlays	(1)	0.8	1.1	1.0	0.3
Media services captioned films:					
Authorization level	19.0	20.0	21.1	.....	.....
Estimated outlays	0.8	14.6	19.8	19.9	5.0
Secondary education and transitional services for handicapped youth:					
Authorization level	6.0	6.3	6.7	.....	.....
Estimated outlays	0.3	4.6	6.2	6.3	1.6
Research in the education of the handicapped:					
Authorization level	20.0	21.1	22.2	.....	.....
Estimated outlays	0.9	15.4	20.9	20.9	5.2
Total:					
Authorization level	159.9	167.8	175.7	.....	.....
Estimated outlays	7.0	122.7	166.4	165.9	41.1

[1] Less than $50,000.

The costs of this bill fall within function 500.

Basis of estimate: The authorization levels are those stated in the bill. The authorization level shown for Severely Handicapped Projects is that portion of the Innovation and Development authorization specifically targetted in the bill. Estimated outlays assume full appropriation of authorized levels and correspond to current program spending rates.

6. Estimated cost to state and local governments: This bill refers to the discretionary spending portions of the Education of the Handicapped Act. The provisions of the bill are to be carried out by grant, contract or cooperative agreement with state education agencies, institutions of higher education, and public and nonprofit private organizations. No data is available on the number of these arrangements that are actually made with state and local governments.

The bill does not require matching of federal funds nor does it directly mandate other state or local government payments. Two sections of the bill place a cap on the federal share of certain costs. To the extent that state and local governments enter into agreements to provide these services, they could be responsible for at least 40 percent of evaluation costs, 10 percent of early education costs and unspecified shares of other provision costs.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carmela Pena, Deborah Kalcevic.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VII. Tabulation of Votes Cast in Committee

The Education of the Handicapped Act Amendments of 1983 was originated in the Subcommittee on the Handicapped by Senator Weicker, Jr., Chairman of the Subcommittee. By a vote of 7 to 0, an original bill, as amended, was favorably reported from the Subcommittee on May 9, 1983. On May 18, 1983. On May 18, 1983 the

original bill, as amended, was favorably reported from the Committee on Labor and Human Resources by a vote of 18 to 0. On May 23, 1983 the Committee Bill was assigned number S. 1341.

VIII. Regulatory Impact Statement

The Committee anticipates that regulations for the sections of the Act that are revised will also need to be revised. New regulations will need to be written for the one new section of the Act which is proposed in the Bill, Section 626, Secondary Education and Transitional Services for Handicapped Youth. The regulatory reform needed as a result of the bill is expected to impose only a minimal paperwork burden.

IX. Section-by-Section Analysis

The "Education of the Handicapped Act Amendments of 1983" revises and extends the Education of the Handicapped Act.

Administrative amendment

Sec. 2 changes the term "commissioner" to the "Secretary" and changes "the Secretary of Health, Education, and Welfare" to "the Secretary of Education."

PART A

Section 603. Designation of the Agency for Special Education

Sec. 603 establishes an Office of Special Education, within the Office of Special Education and Rehabilitative Services, as the principal agency for administering and implementing the Act. The Act states that the Office of Special Education will be managed by a Deputy Assistant Secretary.

PART B

Sec. 618. Evaluation

Sec. 618 amends section 618 of P.L. 94–142. Subsection (a) authorizes the Secretary to collect data and conduct studies, investigations, and evaluations to determine the progress of implementation and impact of the Education for the Handicapped Act (hereinafter referred to as "the Act") and to provide Congress with information relevant to policymaking.

Subsection (b) authorizes the Secretary to carry out the provisions of this section directly or by grant, contract, or cooperative agreement. Data which is to be provided to Congress on at least an annual basis includes: (a) the number of handicapped children in each State by disability category who require special education and related services; (b) the number of handicapped children in each State within each disability category, by age group, receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education; (c) the number of handicapped children in each State, within each disability, who are participating in regular educational programs and the number of handicapped children who have been placed in separate classes, schools or otherwise removed from the

regular education environment; (d) the number of handicapped children enrolled in public or private institutions in each State who are receiving a free appropriate public education and those enrolled in such institutions who are not receiving a free appropriate public education; (e) the amount of Federal, State, and local expenditures for special education and related services; and (f) the number of personnel, by disability category served, that are employed in the education of handicapped children and the estimated number of additional personnel needed to carry out the provisions of the Act. Such information may be based on a sampling of data from State and local educational agencies.

Subsection (c) authorizes the Secretary to conduct in-depth evaluation studies to determine the impact of the Act. The Secretary shall submit a set of evaluation priorities to the appropriate committees of both House of Congress for review and comment by January 30 of each year.

The Secretary is authorized to enter into cooperative agreements with State educational agencies to assess the impact and effectiveness of the Act. The Federal share of such studies shall not exceed 60 percent of the total cost of such studies. The studies shall be developed in consultation with the State Advisory Panel, the local educational agencies, and others concerned with the education of handicapped children and youth. The Secretary shall provide technical assistance to State agencies participating in such studies and shall disseminate information to others, as appropriate.

Subsection (c)(3)(A) mandates a longitudinal study of a sample of handicapped students. Subsection (c)(3)(B) mandates a study to obtain and compile current information regarding State and local expenditures for educational services for handicapped students and gather information needed in order to calculate a range of per pupil expenditure by handicapping condition.

Subsection (d) authorizes the Secretary to publish and disseminate an annual report including the following: (a) an index and summary of each evaluation activity and results of studies; (b) a compilation and analysis of data gathered under subsection (b); (c) a description of findings and determinations resulting from monitoring reviews of State implementation of this Act; (d) an index of all current research projects conducted under part E; (e) data reported under sections 635 and 653; (f) an analysis of the effectiveness of procedures undertaken to assure a placement in the least restrictive environment; (g) any recommendations for change in the provisions of the Act.[1]

Subsection (e) authorizes $3,100,000 for FY 84; $3,270,000 for FY 85, and $3,440,000 for FY 86 to carry out the provisions of section 618.

Section 619. Incentive grants

Sec. 5 of Sec. 619 is amended to extend the range of services for handicapped children from birth to 3 years of age. States may apply for grants for the 0–5 age range, but they need not include 0–3 aged children in child counts. The Committee intends to assist

[1] The annual reports should be transmitted to the appropriate committees on each House of Congress, the National Council on the Handicapped and other interested parties.

these children as research substantiates that intervention at birth or as early as possible improves the potential capabilities of handicapped individuals and is cost-effective.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

Section 621. Regional resource centers

Sec. 621 of the Act is amended to shift the focus of regional resource centers from assessment activities and other direct services to technical assistance for State and local education agencies. In sec. 621(a)(1) the Committee intends that technical assistance will be directed toward identifying and solving common problems related to providing quality educational programs for handicapped children and youth. Sec. 621(a)(2) amends the Act to provide assistance to State and local agencies in developing, identifying, and replicating programs and practices which are successful in delivering improved special education and related services to children, youth, and their families. Sec. 621(a)(3) is amended to encourage coordination between the regional resource centers and with other relevant programs within the Department of Education. The Committee suggests that the Act as amended will meet the changed needs of the field of special education and will reflect the current functions of these centers.

Section 622. Centers and services for deaf-blind children and youth

Sec. 622(a) is amended to ensure that the Deaf-Blind Centers include services for deaf-blind children and youth and for those children and youth who have other handicapping conditions of the most severe degree. The Committee intends to meet the documented changing needs in the field which note that severely handicapped children and youth can be appropriately served by the programs available at the centers.

Sec. 622(b) authorizes the Secretary to use executive discretion to implement the purposes of this section within the guidelines established by subsection (d) to make grants or enter into direct contracts with public or private, nonprofit agencies, institutions, or organizations for the purpose of paying part or total costs of establishing and operating these centers. Sec. 622(b) is amended to eliminate the use of funds under this section for the construction of facilities.

Sec. 622(c) encourages the Secretary to base the need for such centers on the availability and quality of existing services for deaf-blind and the most severely handicapped children and youth within the geographic area involved. The Committee recommends that sec. 622(A) include technical assistance to public agencies and private organizations as a function of the centers in addition to (B) comprehensive and evaluation services; (C) a program for adjustment, orientation and education which integrates all the relevant professional and related services; and (D) effective consultative services for deaf-blind and severely handicapped children and youth, their parents, teachers, interpreters (if necessary), and other individuals who play a direct role in their lives. Consultative services will be directed toward improving the understanding of the

special problems, adjustment, orientation, and education of these children and youth. Any of the services included in sec. 622 may be provided to these individuals 2(A) whether they reside at a center or not (B) at a place other than a center, and (C) may include the provision of transportation for these children, and, if necessary, for an attendant, and/or parents.

Section 623. Early education for handicapped children

Sec. 623(a) authorizes the Secretary to offer grants or contracts to public or private agencies for the development and implementation of model experimental preschool and early education programs. The Committee encourages the Secretary to award contracts or grants to those programs which show the most promise of providing a comprehensive, strong, cooperative approach to the special education of these children. These model programs shall be distributed as equitably as possible to urban and rural areas throughout the Nation. These model programs shall include services which (1) facilitate the total development of handicapped children; (2) encourage participation of the parents of such children; (3) acquaint the surrounding community with the potentialities and problems of such children.

Sec. 623(b)(1) provides that the programs authorized by this section shall be coordinated with similar educational programs within the same community. Sec. 623(b)(2) establishes that Federal contributions to these programs can be no more than 90 percent of the total cost of the program.

Sec. 623(c) is amended to authorize the Secretary to allow contracts or grants with State educational agencies to be used for the development and implementation of State plans to provide special education and related services for handicapped children. Sec. 623(c)(2) authorizes the Secretary to disseminate information about successful models and practices of programs authorized under the section for the purpose of encouraging the establishment of other early education programs.

Sec. 623(d) includes handicapped children birth to 8 years of age as those provided for by this section.

Section 624. Research, training and dissemination activities in connection with centers and services for the handicapped

Sec. 624(a) authorizes the Secretary to award partial or total grants or contracts, either as a part of other grants or contracts under part C or as a separate one, to an agency, organization, or institution which operates a center or which provides an appropriate service that is consistent with the purposes of this part. The grants and contracts would fund in total or in part (1) research which will identify or help meet the full range of special needs of handicapped children and youth; (2) development or demonstration of innovative and/or improved methods which facilitate and enhance the adjustment and education of handicapped children and youth; (3) training of special education and related services professionals who work in these types of programs; and (4) dissemination of materials and information about practices which are deemed effective with handicapped youth and adults.

Sec. 624(b) provides that the Secretary shall insure that grants and contracts funded under this section will be coordinated with similar activities supported by the Act.

Sec. 624(c) amends the Act to authorize the Secretary to include the needs of the severely handicapped in all authorizations under this section.

Section 625. Postsecondary education programs

The title of sec. 625 is changed from "Regional Education Programs" to "Postsecondary Education Programs." Subsection (a) authorizes the Secretary to make contracts or grants to institutions of higher education for the development and operation of specially designed programs for handicapped individuals in postsecondary, vocational, technical, continuing, or adult education areas. Eligible institutions include junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies. The Secretary should provide for (b) competitive grants and contracts and will give priority consideration to four regional centers for the deaf and model programs or centers for other handicapping conditions. It is the Committee's intention that these grants and contracts be used (1) for developing or adapting programs and (2) for programs which coordinate and encourage the integration of handicapped individuals with nonhandicapped peers. Sec. 625 also authorizes a total amount of payments in any year for the four regional centers for the deaf shall not fall below $2,000,000.

Sec. 625(c) authorizes the development of a national clearinghouse regarding postsecondary education for handicapped individuals.

Section 626. Secondary education and transitional services for handicapped youth

Sec. 626 is a new section designed by the Committee to stimulate programs at the secondary level and transitional services after high school to meet the unmet needs of handicapped youth.

The section, 626(a), authorizes the Secretary to make grants or establish contracts with State and local educational agencies and other appropriate private or public nonprofit organizations to: (1) enhance and coordinate education, training and related services which will facilitate the transition of handicapped youth into postsecondary education, vocational training, competitive employment, continuing education, and adult services; (2) encourage the improvement and development of secondary special education programs, such as (A) vocational programs designed to increase the potential for competitive employment for handicapped youth and (B) research and development projects for model as well as the replication and dissemination of them.

Sec. 626(b) provides guidelines for projects which can be assisted under this section; they may include (1) developing strategies for transitional programs and services; (2) establishing demonstration models for programs emphasizing vocational training, transitional services and placement; (3) conducting demographic studies which provide information concerning the numbers, age levels, types of handicapping conditions and transitional services required of

handicapped youth; (4) initiating collaborative models between various public agencies and community services; (5) developing appropriate evaluation procedures for vocational training, placement, and transitional services.

The Committee intends for projects described under clause (4) to be coordinated with projects developed under section 311 of the Rehabilitation Act of 1973.

Sec. 626(c) requires an evaluation of the implementation of this section consistent with sec. 627, "Evaluations" of the Act. Results of the evaluation should be submitted to the appropriate committees in Congress no later than January 1986.

Sec. 626(d) defines "handicapped youth" in this section as any handicapped individual who is at least 12 or not over 21 years of age, except in situations where State law allows attendance in secondary schools for handicapped individuals over 22 years old.

Section 627. Evaluations

Sec. 627 requires the Secretary to conduct either directly or by contract a comprehensive continuing evaluation of the effectiveness of all programs assisted under part C. Results of the evaluations shall be submitted to the appropriate committees in Congress.

Section 628. Authorization of appropriations

Sec. 628 authorizes the following appropriations to carry out the provisions of Section 621 (Regional Resource Centers), $5,700,000 for fiscal year 1984, $6,000,000 for fiscal year 1985, and $6,300,000 for fiscal year 1986.

Sec. 628 also authorizes the following appropriations to carry out provisions of Section 622 (Deaf Blind Centers), $16,000,000 for fiscal year 1984, $16,000,000 for fiscal year 1985, and $16,000,000 for fiscal year 1986.

Sec. 628 authorizes the following appropriations to carry out the provisions of Section 623 (Early Childhood Education), $21,100,000 for fiscal year 1984, $22,200,000 for fiscal year 1985, and $23,400,000 for fiscal year 1986.

This section also authorizes appropriations to carry out the provisions of Section 624 (Research, Training, and Innovation) as follows: $5,000,000 for fiscal year 1984 of which $3,000,000 shall be available for subsection (c) of section 624, $5,300,000 for fiscal year 1985 of which $3,200,000 shall be available for subsection (c) of such section, and $5,600,000 for fiscal year 1986 of which $3,300,000 shall be available for subsection (c).

Sec. 628 additionally authorizes the following appropriations to carry out the provisions of sec. 625 (postsecondary education programs), $5,000,000 for fiscal year 1984, $5,300,000 for fiscal year 1985, and $5,500,000 for fiscal year 1986. And, finally, this section authorizes appropriations to implement the provisions of Sec. 626 (Secondary and Transitional Services for Handicapped Youth) as follows: $6,000,000 for fiscal year 1984, $6,330,000 for fiscal year 1985, and $6,660,000 for fiscal year 1986.

Sec. 631(a) authorizes the Secretary to make grants or contracts with appropriate institutions or agencies to assist them in providing (1) training for those preparing to become special education and related services personnel who will work with handicapped chil-

dren and youth, (2) demonstration and model programs for preservice training, (3) demonstration and model programs for inservice training of special education personnel, related services personnel, and regular education personnel who serve handicapped children and youth and (4) scholarships and stipends for personnel engaged in or preparing to engage in educational activities related to handicapped children and youth. The Secretary is authorized to reserve a maximum of 50 percent of the funds appropriated under this section for contracts to target personnel training in areas experiencing significant need.

Sec. 631(b) authorizes the Secretary to make grants to private nonprofit organizations to establish and operate parent training and information programs to inform and train parents so that they can participate effectively with professionals in meeting the educational needs of their handicapped children. In order to receive such a grant the organization shall (A) be governed by a board, the majority of which is parents of handicapped children, and include professionals from special education and related fields; (B) serve the parents of children with the full range of handicapping conditions; and (C) demonstrate the capacity and expertise to effectively conduct the activities authorized under this section. The grants shall be distributed to the greatest extent possible throughout the United States and shall be targeted to parents in both urban and rural areas, a State, or a region.

Each organization operating such a program shall consult with appropriate agencies located in the jurisdiction to be served by the program which serve or assist handicapped children and youth.

The Secretary is to provide, by grant or contract, technical assistance for establishing, developing, and coordinating parent programs. Ten percent of the funds appropriated and available each year under this section shall be authorized for activities under this subsection.

PART D

Section 632. Grants to State educational agencies

The provisions of the current Act under section 632 are retained.

Section 633. Recruitment of educational personnel and the provision of information concerning the education of handicapped

Sec. 633 authorizes the Secretary to make grants or contracts with public or private organizations or institutions for a national clearinghouse.

Subsection (1) provides for the dissemination of information nationally to parents, professionals and other interested parties about: (A) programs within this Act and related provisions of Federal law; and (B) how to participate in programs including referrals to appropriate national, State, and local organizations that can provide further assistance.

Subsection (2) encourages students and professionals to seek and obtain careers and employment in areas related to the education of handicapped children and youth. The Secretary shall pay particular attention to an organization which has "demonstrated experience" at the national level to carry out the functions described in

this section along with the ability of applicants to conduct a clearinghouse, and maintain necessary communication with consumers and other organizations.

Sec. 634 of the Act is repealed.

Section 635. Reports to the Secretary

Sec. 635 provides that (a) each grant recipient under subsection (a) of sec. 631 during any fiscal year shall submit a report to the Secretary at the end of that fiscal year. The Secretary shall determine the detail and form of this report which should include (1) the number of individuals trained under the grant by training category and level of training; (2) the number of individuals trained under the grant receiving degrees and certification by category and level.

Sec. 635 subsection (b) provides that each grant recipient under sec. 631 subsection (b) shall submit a report to the Secretary at the end of any given fiscal year. The Secretary shall determine the form and specifics of the report which shall include the number of parents trained under the grant.

Sec. 635(c) provides that the data required by this section shall be included in the annual report required under 618(d) of the Act.

Section 641(a) authorizes the Secretary to make grants to, or enter into contracts with agencies and institutions for research and related activities which improve education and related services for handicapped children and youth. Such research shall (1) increase the knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth; (2) develop techniques and devices for improving the education and related services for handicapped children and youth; (3) demonstrate exemplary educational programs and practices; and (4) disseminate appropriate information on the activities conducted under this part.

Subsection 641(b) authorizes the Secretary to publish a proposed set of research priorities in the Federal Register every 2 years and allow a 60-day period for public comment and suggestions. After analyzing the comments the Secretary publishes a final set of research priorities in the Federal Register not later than 30 days after the close of the comment period.

Subsection (c) provides for an index of all research projects to be included in the annual report. Reports of research projects shall be available to interested parties.

Subsection (d) encourages the coordination of research priorities established under this section with the research priorities of the National Institute of Handicapped Research. Research priorities established under this section shall be reported to the National Council of the Handicapped.

PART E

Section 642. Research and demonstration in physical education

The provisions of the current Act under this section are retained.

Section 643. Panels of experts

Sec. 643 establishes authorization for the Secretary to appoint panels of experts who are competent and qualified from time to

time to evaluate various proposals for projects under parts C, D, E, and F of the Act. The Secretary shall also obtain advice and recommendations from such a panel before making any grant or contract under parts C, D, E and F.

The Committee intends for the panels to be composed of: (1) experts from special education and other relevant disciplines related to the handicapped who possess significant expertise and experience directly related to the content and age levels of the proposals being evaluated. Sec. 643 further provides that handicapped individuals and parents of handicapped individuals be included on panels when appropriate.

Section 644. Authorization of appropriations

Sec. 644 authorizes the following appropriations for carrying out the provisions of part E, $20,000,000 for fiscal year 1984, $21,100,000 for fiscal year 1985 and $22,200,000 for fiscal year 1986.

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

Sections 651, 652, and 653 retain the current provisions of law and are unchanged by the committee bill.

Section 654 authorizes $19,000,000 for FY 1984, $20,000,000 for FY 1985, and $21,000,000 for FY 1986.

PART G

Part G of the Act is repealed.

X. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standard Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

EDUCATION OF THE HANDICAPPED ACT

Part A—General Provisions

SHORT TITLE; STATEMENT OF FINDINGS AND PURPOSE

Sec. 601. (a) This title may be cited as the "Education of the Handicapped Act".

(b) The Congress finds that—

(1) there are more than eight million handicapped children in the United States today;

(2) the special educational needs of such children are not being fully met;

(3) more than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

(4) one million of the handicapped children in the United States are excluded entirely from the public school system and will not go through the educational process with their peers;

(5) there are many handicapped children throughout the United States participating in regular school programs whose handicaps prevent them from having a successful educational experience because their handicaps are undetected;

(6) because of the lack of adequate services within the public school system, families are often forced to find services outide the public school system, often at great distance from their residence and at their own expense;

(7) developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of handicapped children;

(8) State and local educational agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate to meet the special educational needs of handicapped children; and

(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection of the law.

(c) It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

DEFINITIONS

SEC. 602. As used in this title—

(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services.

[(2) The term "Commissioner" means the Commissioner of Education.]

[(3)] *(2)* The term "Advisory Committee" means the National Advisory Committee on Handicapped Children.

[(4)] *(3)* The term "construction", except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in

connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

[(5)] *(4)* The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, telecommunications, sensory, and other technological aids and devices, and books, periodicals, documents, and other related materials.

[(6)] *(5)* The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

[(7)] *(6)* The term "State educational agency" means the State board of education or other agency or officer primarly responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

[(8)] *(7)* The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

[(9)] *(8)* The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

[(10)] *(9)* The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

[(11)] *(10)* The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding

and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the [Commissioner] *Secretary* pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a two-year program in engineering, mathematics, or the physicial or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the [Commissioner] *Secretary* determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the [Commissioner] *Secretary* shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

[12] (*11*) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[13] (*12*) The term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

[14] (*13*) The term "Secretary" means the Secretary of [Health, Education, and Welfare.] *Education.*

[15] (*14*) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain disfunctions, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of

visual hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

[16] *(15)* The term "special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, the instruction in hospitals and institutions.

[17] *(16)* The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

[18] *(17)* The term "free appropriate public education" means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under section 614(a)(5).

[(19)] *(18)* The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether instructional objectives are being achieved.

[(20)] 3*(19)* The term "excess costs" means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting (A) amounts received under this part be computed after deducting (A) amounts received under this part of under title I or title VII of the Elementary and Secondary Education Act of 1965, and (B) any State or local funds expended for programs which would qualify for assistance under this part or under such titles.

[(21)] *(20)* The term "native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act (20 U.S.C. 880b–1(a)(2)).

[(22)] *(21)* The term "intermediate educational unit" means any public authority, other than a local educational agency, which is under the general supervision of a State educational agency, which is established by State law for the purpose of providing free public education on a regional basis, and which provides special education and related services to handicapped children within that State.

[BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED]
DESIGNATION OF THE AGENCY FOR SPECIAL EDUCATION

SEC. 603. (a) [There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

[(b)(1) The Bureau established under subsection (a) shall be headed by a Deputy Commissioner of Education who shall be appointed by the Commissioner, who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

[(2) In addition to such Deputy Commisisoner, there shall be placed in such Bureau five positions for persons to assist the Deputy Commissioner in carrying out his duties, including the position of Associate Deputy Commissioner, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code.] *There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act, and other programs and activities concerning the education and training of the handicapped.*

(b)(1) The Office established under subsection (a) of this section shall be headed by a Deputy Assistant Secretary who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services. The position of Deputy Assistant Secretary shall be in grade GS–18 of the General Schedule under section 5104 of title 5, United States Code, and shall be a Senior Executive Service position for the purposes of section 3132(a)(2) of such title.

(2) In addition to such Deputy Assistant Secretary, there shall be established in such Office not less than six positions for persons to assist the Deputy Assistant Secretary, including the position of Associate Deputy Assistant Secretary, and such positions shall be in grade GS–15 of the General Schedule under section 5104 of title 5, United States Code.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The [Commissioner] *Secretary* shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the [Commissioner] *Secretary*. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the [Commissioner] *Secretary* with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration, and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the [Commissioner] *Secretary* and shall make an annual report of its findings and recommendations to the [Commissioner] *Secretary* not later than June 30 of each year. The [Commissioner] *Secretary* shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

The Advisory Committee shall continue to exist until October 1, 1977.

(c) There are authorized to be appropriated for the purposes of this section $100,000 for the fiscal year ending June 30, 1974, and for each of the three succeeding fiscal years.

ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the [Commissioner] *Secretary* determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the

parties or by action brought in the United States district court for the district in which the facility is situated.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

SEC. 606. The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified handicapped individuals in programs assisted under this Act.

GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

SEC. 607. (a) Upon application by any State or local educational agency or intermediate educational unit the [Commissioner] *Secretary* is authorized to make grants to pay part or all of the cost of altering existing buildings and equipment in the same manner and to the same extent as authorized by the Act approved August 12, 1968 (Public Law 90-480), relating to architectural barriers.

(b) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary.

PART B—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

SETTLEMENTS AND ALLOCATIONS

SEC. 611. (a)(1) Except as provided in paragraph (3) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

(A) the number of handicapped children aged three to twenty-one, inclusive, in such State who are receiving special education and related services;

multiplied by—

(B)(i) 5 per centum, for the fiscal year ending September 30, 1978, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(ii) 10 per centum, for the fiscal year ending September 30, 1979, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(iii) 20 per centum, for the fiscal year ending September 30, 1980, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(iv) 30 per centum, for the fiscal year ending September 30, 1981, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

(v) 40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States;

except that no State shall receive an amount which is less than the amount which such State received under this part for the fiscal year ending September 30, 1977.

(2) For the purpose of this subsection and subsection (b) through subsection (e), the term "State" does not include Guam, American

Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of handicapped children receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on October 1 and February 1 of the fiscal year preceding the fiscal year for which the determination is made.

(4) For purposes of paragraph (1)(B), the term "average per pupil expenditure", in the United States, means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for such year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the United States (which, for purposes of this subsection, means the fifty States and the District of Columiba), as the case may be, plus any direct expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(5)(A) In determining the allotment of each State under paragraph (1), the [Commissioner] *Secretary* may not count—

(i) handicapped children in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 per centum of the number of all children aged five to seventeen, inclusive, in such State; and

(ii) handicapped children who are counted under section 121 of the Elementary and Secondary Education Act of 1965.

(B) For purposes of subparagraph (A), the number of children aged five to seventeen, inclusive, in any State shall be determined by the [Commissioner] *Secretary* on the basis of the most recent satisfactory data available to him.

(b)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1978—

(A) 50 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

(B) 50 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with the priorities established under section 612(3).

(2) Of the funds which any State may use under paragraph (1)(A)—

(A) an amount which is equal to the greater of—

(i) 5 per centum of the total amount of funds received under this part by such State; or

(ii) $200,000;

may be used by such State for administrative costs related to carrying out sections 612 and 613;

(B) the remainder shall be used by such State to provide support services and direct services in accordance with the priorities established under section 612(3).

(c)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1979, and for each fiscal year thereafter—

(A) 25 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

(B) except as provided in paragraph [(3)] *(4)*, 75 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with priorities established under section 612(3).

(2)(A) Subject to the provisions of subparagraph (B), of the funds which any State may use under paragraph (1)(A)—

(i) an amount which is equal to the greater of—

(I) 5 per centum of the toal amount of funds received under this part by such State; or

(II) $300,000;

may be used by such State for administrative costs related to carrying out the provisions of sections 612 and 613; and

(ii) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

(B) The amount expended by any State from the funds available to such State under paragraph (1)(A) in any fiscal year for the provision of support services or for the provision of direct services shall be matched on a program basis by such State, from funds other than Federal funds, for the provision of support services or for the provision of direct services for the fiscal year involved.

(3) The provisions of section 613(a)(9) shall not apply with respect to amounts available for use by any State under paragraph (2).

(4)(A) No funds shall be distributed by any State under this subsection in any fiscal year to any local educational agency or intermediate educational unit in such State if—

(i) such local educational agency or intermediate educational unit is entitled, under subsection (d), to less than $7,500 for such fiscal year; or

(ii) such local educational agency or intermediate educational unit has not submitted an application for such funds which meets the requirements of section 614.

(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to handicapped children residing in the area served by such local educational agency or such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of handicapped chil-

dren aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

(e)(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) Each jurisdiction to which this subsection applies shall be entitled to a grant for the purposes set forth in section 601(c) in an amount equal to an amount determined by the [Commissioner] *Secretary* in accordance with criteria based on respective needs, except that the aggregate of the amount to which such jurisdictions are so entitled for any fiscal year shall not exceed an amount equal to 1 per centum of the aggregate of the amounts available to all States under this part for that fiscal year. If the aggregate of the amounts, determined by the [Commissioner] *Secretary* pursuant to the preceding sentence, to be so needed for any fiscal year exceeds an amount equal to such 1 per centum limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such 1 per centum limitation.

(3) The amount expended for administration by each jurisdiction under this subsection shall not exceed 5 per centum of the amount allotted to such jurisdiction for any fiscal year, or $35,000, whichever is greater.

(f)(1) The [Commissioner] *Secretary* is authorized to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payment for any fiscal year shall not exceed 1 per centum of the aggregate amounts available to all States under this part for that fiscal year.

(2) The Secretary of the Interior may receive an allotment under this subsection only after submitting to the [Commissioner] *Secretary* an application which meets the applicable requirements of section 614(a) and which is approved by the [Commissioner] *Secretary*. The provisions of section 616 shall apply to any such application.

(g)(1) If the sums appropriated for any fiscal year for making payments to States under this part are not sufficient to pay in full the total amounts which all States are entitled to receive under this part for such fiscal year, the maximum amounts which all States are entitled to receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(2) In the case of any fiscal year in which the maximum amounts for which States are eligible have been reduced under the first sentence of paragraph (1), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State

educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d), which it estimates that it will expend in accordance with the provisions of this part. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this part, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies or intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.

ELIGIBILITY

SEC. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the [Commissioner] *Secretary* that the following conditions are met:

(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

(A) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such goal;

(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

(D) policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

(E) the amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the [Commissioner.] *Secretary.*

(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving and education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 61(a)(5).

(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in requlars classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures hall be provided and administereed in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children with the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet educational standards of the State educational agency.

(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the

policies, programs, and procedures required pursuant to the provisions of this section and section 613.

STATE PLANS

SEC. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the [Commissioner] *Secretary*, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

(1) set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal progra, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c–2), section 305(b)(8) of such Act (20 U.S.C. 844(b)(8)) or its successor authority, and section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), under which there is a specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subsidivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational, instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

(4) set forth policies and procedures to assure—

(A) that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

(B) that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

(5) set forth policies and procedures which assure that the State shall seek to recover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

(6) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(7) provide for (A) making such reports in such form and containing such information as the [Commissioner] *Secretary* may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the [Commissioner] *Secretary* may find necessary to assure the correctiness and verification of such reports and proper disbursement of Federal funds under this part;

(8) provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shal not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing;

(9) provide satisfactory assurance that Federal funds made available under this part (A) will not be commingled with State funds, and (B) will be so used to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the [Commissioner] *Secretary* may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

(10) provide, consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including

any such funds paid by the State to local educational agencies and intermediate educational units;

(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs), in accordance with such criteria that the [Commissioner] *Secretary* shall prescribe pursuant to section 617; and

(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the [Commissioner] *Secretary* in the performance of his responsibilities under section 618.

(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

(c) The [Commissioner] *Secretary* shall approve any State plan and any modification thereof which—

(1) is submitted by a State eligible in accordance with section 612; and

(2) meets the requirements of subsection (a) and subsection (b).

The [Commissioner] *Secretary* shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPLICATION

SEC. 614. (a) A local educational agency or an intermediate educational unit which desires to receive payments under section 611(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall—

(1) provide satisfactory assurance that payments under this part will be used for excess costs directly attributable to programs which—

(A) provide that all children residing within the jurisdiction of the lcoal educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services;

(B) establish policies and procedures in accordance with detailed criteria prescribed under section 617(c);

(C) establish a goal of providing full educational opportunities to all handicapped children, including—

(i) procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency under section 613(a)(3);

(ii) the provision of, and the establishment of priorities for providing, a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education;

(iii) the participation and consultation of the parents or guardian of such children; and

(iv) to the maximum extent practicable and consistent with the provisions of section 612(5)(B), the provision of special services to enable such children to participate in regular educational programs;

(D) establish a detailed timetable for accomplishing the goal described in subclause (C); and

(E) provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal described in subclause (C);

(2) provide satisfactory assurance that (A) the control of funds provided under this part, and title to property derived from such funds, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property, (B) Federal funds expended by local educational agencies and intermediate educational units for programs under this part (i) shall be used to pay only the excess costs directly attributable to the education of handicapped children, and (ii) shall be used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant such State and local funds, and (C) State and local funds will be used in the jurisdiction of the local educational agency or intermediate educational unit to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction which are not receiving funds under this part;

(3)(A) provide for furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in programs carried out under this part; and

(B) provide for keeping such records, and provide for affording such access to such records, as the State educational agency may find necessary to assure the correctness and verification of such information furnished under subclause (A);

(4) provide for making the application and all pertinent documents related to such application available to parents, guardians, and other members of the general public, and provide that all evaluations and reports required under clause (3) shall be public information;

(5) provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually;

(6) provide satisfactory assurance that policies and programs established and administered by the local educational agency or intermediate educational unit shall be consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a); and

(7) provide satisfactory assurance that the local educational agency or intermediate educational unit will establish and maintain procedural safeguards in accordance with the provisions of sections 612(5)(B), 612(5)(C), and 615.

(b)(1) A State educational agency shall approve any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application meets the requirements of subsection (a), except no such application may be approved until the State plan submitted by such State educational agency under subsection (a) is approved by the [Commissioner] *Secretary* under section 613(c). A State educational agency shall disapprove any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application does not meet the requirements of subsection (a).

(2)(A) Whenever a State educational agency, after reasonable notice and opportunity for a hearing, finds that a local educational agency or an intermediate educational unit, in the administration of an application approved by the State educational agency under paragraph (1), has failed to comply with any requirement set forth in such application, the State educational agency, after giving appropriate notice to the local educational agency or the intermediate educational unit, shall—

(i) make no further payments to such local educational agency or such intermediate educational unit under section 620 until the State educational agency is satisfied that there is

no longer any failure to comply with the requirement involved; or

(ii) take such findings into account in its review of any application made by such local educational agency or such intermediate educational unit under subsection (a).

(B) The provisions of the last sentence of section 616(a) shall apply to any local educational agency or any intermediate educational unit receiving any notification from a State educational agency under this paragraph.

(3) In carrying out its functions under paragraph (1), each State educational agency shall consider any decision made pursuant to a hearing held under section 615 which is adverse to the local educational agency or intermediate educational unit involved in such decision.

(c)(1) A State educational agency may, for purposes of the consideration and approval of applications under this section, require local educational agencies to submit a consolidated application for payments if such State educational agency determines that any individual application submitted by any such local educational agency will be disapproved because such local educational agency is ineligible to receive payments because of the application of section 611(c)(4)(A)(i) or such local educational agency would be unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of handicapped children.

(2)(A) In any case in which a consolidated application of local educational agencies is approved by a State educational agency under paragraph (1), the payments which such local educational agencies may receive shall be equal to the sum of payments to which each such local educational agency would be entitled under section 611(d) if an individual application of any such local educational agency had been approved.

(B) The State educational agency shall prescribe rules and regulations with respect to consolidated applications submitted under this subsection which are consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a) and which provide participating local educational agencies with joint responsibilities for implementing programs receiving payments under this part.

(C) In any case in which an intermediate educational unit is required pursuant to State law to carry out the provisions of this part, the joint responsibilities given to local educational agencies under subparagraph (B) shall not apply to the administration and disbursement of any payments received by such intermediate educational unit. Such responsibilities shall be carried out exclusively by such intermediate educational unit.

(d) Whenever a State educational agency determines that a local educational agency—

(1) is unable or unwilling to establish and maintain programs of free appropriate public education which meet the requirements established in subsection (a)

(2) is unable or unwilling to be consolidated with other local educational agencies in order to establish and maintain such programs; or

(3) has one or more handicapped children who can best be served by a regional or State center designed to meet the needs of such children;

the State educational agency shall use the payments which would have been available to such local educational agency to provide special education and related services directly to handicapped children residing in the area served by such local educational agency. The State educational agency may provide such education and services in such manner and at such locations (including regional or State centers), as it considers appropriate, except that the manner in which such education and services are provided shall be consistent with the requirements of this part.

(e) Whenever a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all handicapped children residing in the area served by such agency with State and local funds otherwise available to such agency, the State educational agency may reallocate funds (or such portion of those funds as may not be required to provide such education and services) made available to such agency, pursuant to section 611(d), to such other local educational agencies within the State as are not adequately providing special education and related services to all handicapped children residing in the areas served by such other local educational agencies.

(f) Notwithstanding the provisions of subsection (a)(2)(B)(ii), any local educational agency which is required to carry out any program for the education of handicapped children pursuant to a State law shall be entitled to receive payments under section 611(d) for use in carrying out such program, except that such payments may not be used to reduce the level of expenditures for such program made by such local educational agency from State or local funds below the level of such expenditures for the fiscal year prior to the fiscal year for which such local educational agency seeks such payments.

PROCEDURAL SAFEGUARDS

SEC. 615. (a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

(b)(1) The procedures required by this section shall include, but shall not be limited to—

(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an

individual (who shall not be an employee of the State educational agency, local educational agency, or intermediate educational unit involved in the education or care of the child) to act as a surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit—

(i) proposes to initiate or change, or

(ii) refuses to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully inform the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

(c) If the hearing required in paragarph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 613(a)(12)).

(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) who does not have the right to an appeal under sub-

section (c), and any party aggrieved by the findings and decision under subsection (c), shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall bear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

(4) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

WITHHOLDING AND JUDICIAL REVIEW

SEC. 616. (a) Whenever the [Commissioner] *Secretary* after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or intermediate educational unit affected by any failure described in clause (2)), finds—

(1) that there has been a failure to comply substantially with any provision of section 612 or section 613, or

(2) that in the administration of the State plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local educational agency or intermediate educational unit approved by the State educational agency pursuant to the State plan,

the [Commissioner] *Secretary* (A) shall, after notifying the State educational agency, withhold any further payments to the State under this part, and (B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within his jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children. If the [Commissioner] *Secretary* withholds further payments under clause (A) or clause (B) he may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the [Commissioner] *Secretary* is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in clause (1) or clause (2), no further payments shall be made to the State under this part or under the Federal programs specified in section 613(a)(2) within his jurisdiction to the extent that funds under such programs are available for

the provision of assistance for the education of handicapped children, or payments by the State educational agency under this part shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

(b)(1) If any State is dissatisfied with the [Commissioner's] *Secretary's* final action with respect to its State plan submitted under section 613, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the [Commissioner] *Secretary*. The [Commissioner] *Secretary* thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the [Commissioner] *Secretary*, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the [Commissioner] *Secretary* to take further evidence, and the [Commissioner] *Secretary* may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the [Commissioner] *Secretary* or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 617. (a)(1) In carrying out his duties under this part, the [Commissioner] *Secretary* shall—

(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of handicapped children and the execution of the provisions of this part;

(B) provide such short-term training programs and institutes as are necessary;

(C) disseminate information, and otherwise promote the education of all handicapped children within the States; and

(D) assure that each State shall, within one year after the date of the enactment of the Education for All Handicapped Children Act of 1975, provide certification of the actual number of handicapped children receiving special education and related services in each State.

(2) As soon as practicable after the date of enactment of the Education for All Handicapped Children Act of 1975, the [Commissioner] *Secretary* shall, by regulation, prescribe a uniform financial report to be utilized by State educational agencies in submitting plans under this part in order to assure equity among the States.

(b) In carrying out the provisions of this part, the [Commissioner] *Secretary* (and the Secretary, in carrying out the provisions of subsection (c)) shall issue, not later than January 1, 1977, amend, and revoke such rules and regulations as may be necessary. No other less formal method of implementing such provisions is authorized.

(c) The Secretary shall take appropriate action, in accordance with the provisions of section 438 of the General Education Provisions Act, to assure the protection of the confidentiality of any personally identifiable data, information and records collected or maintained by the [Commissioner] *Secretary* and by State and local educational agencies pursuant to the provisions of this part.

(d) The [Commissioner] *Secretary* is authorized to hire qualified personnel necessary to conduct data collection and evaluation activities required by subsections (b), (c) and (d) of section 618 and to carry out his duties under subsection (a)(1) of this subsection without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates except that no more than twenty such personnel shall be employed at any time.

EVALUATION

[SEC. 618. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this part and the effectiveness of State efforts to assure the free appropriate public education of all handicapped children.

[(b) The Commissioner shall conduct, directly or by grant or contract, such studies, investigations, and evaluations as are necessary to assure effective implementation of this part. In carrying out his responsibilities under this section, the Commissioner shall—

[(1) through the National Center for Education Statistics, provide to the appropriate committees of each House of the Congress and to the general public at least annually, and shall update at least annually, programmatic information concerning programs and projects assisted under this part and other Federal programs supporting the education of handicapped children, and such information from State and local educational agencies and other appropriate sources necessary for the implementation of this part, including—

[(A) the number of handicapped children in each State, within each disability, who require special education and related services;

[(B) the number of handicapped children in each State, within each disability, receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

[(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes or separate school facilities, or who have been otherwise removed from the regular education environment;

[(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

[(E) the amount of Federal, State, and local expenditures in each State specifically available for special education and related services; and

[(F) the number of personnel, by disability category, employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act; and

[(2) provide for the evaluation of programs and projects assisted under this part through—

[(A) the development of effective methods and procedures for evaluation;

[(B) the testing and validation of such evaluation methods and procedures; and

[(C) conducting actual evaluation studies designed to test the effectiveness of such programs and projects.

[(c) In developing and furnishing information under subclause (E) of clause (1) of subsection (b), the Commissioner may base such information upon a sampling of data available from State agencies, including the State educational agencies, and local educational agencies.

[(d)(1) Not later than one hundred twenty days after the close of each fiscal year, the Commissioner shall transmit to the appropriate committees of each House of the Congress, a report on the progress being made toward the provison of free appropriate public education to all handicapped children, including a detailed description of all evaluation activities conducted under subsection (b).

[(2) The Commissioner shall include in each such report—

[(A) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children receive special educational and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children in days or residential facilities;

[(B) any recommendations for change in the provisions of this part, or any other Federal law providing support for the education of handicapped children; and

[(C) an evaluation of the effectiveness of the procedures undertaken by each such agency or unit to prevent erroneous classification of children as eligible to be counted under section

611, including actions undertaken by the Commissioner to carry out provisions of this Act relating to such erroneous classification.

In order to carry out such analyses and evaluations the Commissioner shall conduct a statistically valid survey for assessing the effectiveness of individualized educational programs.

[(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.]

SEC. 618. (a) The Secretary shall collect data, and conduct studies, investigations, and evaluations—

(1) to determine the progress of implementation of this Act, the impact of this Act and the effectiveness of State and local efforts to provide free appropriate public education to all handicapped children and youth; and

(2) to provide Congress with information relevant to policymaking and provide the Federal, State, and local educational agencies with information relevant to program management, administration, and effectiveness with respect to such education.

(b)(1) The Secretary shall carry out the provisions of this section directly or by grant, contract, or cooperative agreement.

(2) In carrying out the responsibilities under this section, the Secretary shall provide to the appropriate committees of each House of the Congress and to the general public, on at least an annual basis, information concerning programs and projects assisted under the Act and other Federal programs relating to the education of handicapped children and youth, and such information from State and local educational agencies and other appropriate sources as is necessary for the implementation of the Act including—

(A) the number of handicapped children in each State, within each disability, by age group who require special education and related services;

(B) the number of handicapped children in each State, within each disability, by age group receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes, separate school facilities, or who have been otherwise removed from the regular education environment;

(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

(E) the amount of Federal, State, and local expenditures in each State specifically available for special education and related services; and

(F) the number of personnel, by disability category served that are employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act.

(3) In developing and furnishing information under clause (E) of paragraph (2) of subsection (b), the Secretary may base such information upon a sampling of data available from State agencies, including the State educational agencies, and from local educational agencies.

(c)(1) The Secretary shall, by grant, contract, or cooperative agreement, provide for in-depth evaluation studies (both quantitative and qualitative) to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall submit not later than January 30 of each year a set of evaluation priorities to the appropriate committees of both Houses of the Congress for review and comment.

(2)(A) The Secretary is authorized to enter into cooperative agreements with State educational agencies to carry out studies to assess the impact and effectiveness of programs assisted under the Act.

(B) Such agreements shall—

(i) provide for the payment of not to exceed 60 percentum of the total cost of studies conducted by a participating State educational agency to assess the impact and effectiveness of programs assisted under the Act; and

(ii) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of handicapped children and youth.

(C) The Secretary shall provide technical assistance to participating State educational agencies in the implementation of the study design, analysis, and reporting procedures.

(D) In addition, the Secretary shall disseminate information from such studies to State educational agencies and, as appropriate, others involved in, or concerned with, the education of handicapped children and youth.

(3)(A) At least one evaluation study shall be a longitudinal study of a sample of handicapped students encompassing the full range of handicapped conditions examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

(B) At least one study shall focus on obtaining and compiling current information available through State educational agencies and local educational agencies and other service providers, regarding State and local expenditures for educational services for handicapped students (including special education and related services) and gather the information needed in order to calculate a range of per pupil expenditure by handicapping condition.

(d)(1) Not later than 120 days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth. The annual report is to be transmitted to the appropriate committees of

each House of the Congress and the National Council on the Handicapped and published and disseminated in sufficient quantities to the education community at large and other interested parties.

(2) The Secretary shall include in each annual report—

(A) an index and summary of each evaluation activity and results of studies conducted under subsection (c);

(B) a compilation and analysis of data gathered under section 618(b)(2);

(C) a description of findings and determinations resulting from monitoring reviews of State implementation of this Act;

(D) an index of all current research projects being conducted under part E (including the name of each research project and the name and address of the funded organization);

(E) data reported under sections 635 and 653;

(F) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children and youth receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children and youth in day or residential facilities; and

(G) any recommendations for change in the provisions of the Act or any other Federal law providing support for the education of handicapped children and youth.

(e) There are authorized to be appropriated $3,100,000 for the fiscal year 1984, $3,270,000 for the fiscal year 1985, and $3,440,000 for the fiscal year 1986 to carry out the provisions of this section.

INCENTIVE GRANTS

SEC. 619. (a) The Commissioner shall make a grant to any State which—

(1) has met the eligibility requirements of section 612;

(2) has a State plan approved under section 613; and

(3) provides special education and related services to handicapped children aged three to five, inclusive, who are counted for the purposes of section 611(a)(1)(A).

The maximum amount of the grant for each fiscal year which a State may receive under this section shall be $300 for each such child in that State.

(b) Each State which—

(1) has met the eligibility requirements of section 612,

(2) has a State plan approved under section 613, and

(3) desires to receive a grant under this section.

shall make an application to the Commissioner at such time, in such manner, and containing or accompanied by such information, as the Commissioner may reasonably require.

(c) The Commissioner shall pay to each State having an application approved under subsection (b) of this section the amount of which the State is entitled under this section, which amount shall be used for the purpose of providing the services specified in clause (3) of subsection (a) of this [section.] *section, and for providing spe-*

cial education and related services for handicapped children from birth to 3 years of age.

(d) If the sums appropriated for any fiscal year for making payments to States under this section are not sufficient to pay in full the maximum amounts which all States may receive under this part for such fiscal year, the maximum amounts which all States may receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(e) In addition to the sums necessary to pay the entitlements under section 611, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

PAYMENTS

SEC. 620. (a) The Commissioner shall make payments to each State in amounts which the State educational agency of such State is eligible to receive under this part. Any State educational agency receiving payments under this subsection shall distribute payments to the local educational agencies and intermediate educational units of such State in amounts which such agencies and units are eligible to receive under this part after the State educational agency has approved applications of such agencies or units for payments in accordance with section 614(b).

(b) Payments under this part may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

REGIONAL RESOURCE CENTERS

[SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.]

SEC. 621. (a) The Secretary is authorized to make grants to, or to enter into contracts, or cooperative agreements with institutions of higher education, State educational agencies or combinations of such agencies and institutions, combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide technical assistance, including but not limited to consulation and training, to State education agencies and to local educational agencies relating to educational programs and services for handicapped children and youth. The State educational agency shall disseminate information obtained through such technical assistance to appropriate local educational agencies. In order to assure that State and local educational policies and procedures result in quality educational programs and services for handicapped children and youth, each center established or operated under this section shall—

(1) assist State educational agencies and local educational agencies in indentifying and solving persistent problems in providing quality educational programs for handicapped children and youth;

(2) assist State educational agencies and local educational agencies in developing, identifying, and replicating successful programs and practices which will improve educational and related services to handicapped children and youth and their families; and

(3) gather and disseminate information and coordinate its activities with other centers assisted under this section and with other relevant projects conducted by the Department of Education.

(b) In determining whether to approve an application for a project under this section, the [Commissioner] *Secretary* shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to [develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.] *fulfill the responsibilities stated in this section.*

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN *AND YOUTH*

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children[,] *and youth* a program designed to develop and bring upon such children[,] *and youth* beginning as early as feasible in life, those specialized, intensive professional and [allied] *related* services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with and adjustment to, the world around them for useful and meaningful participation in society, and for self-fulfillment. *Each such center may also serve individuals with other handicapping conditions of the greatest degree of severity.*

[(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (b)(1) of this section) as

he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.]

(b) Upon such terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, and subject to the provisions of subsection (d)(1) of this section, the Secretary is authorized to make grants or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of the establishment and operation of centers for deaf-blind children.

(c) [In determining whether to make a grant or contract under subsection (b), the Commissioner] *In carrying out this section the Secretary* shall take into consideration the need for a center for deaf-blind children *and youth* in the light of the general availability and quality of existing services for such children *and youth* in the part of the country involved.

(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the [Commissioner] *Secretary* determines that there is satisfactory assurance that the center will provide such services as [he has by regulation prescribed, including at least—] *the Secretary by regulation prescribes, including—*

[(A) comprehensive diagnostic and evaluative services for deaf-blind children;

[(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

[(C) effective consultative services for parents, teachers, and other who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

[(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.]

(A) technical assistance to public agencies and private organizations which are involved in the education or care of deaf-blind children or youth;

(B) comprehensive diagnostic and evaluative services for deaf-blind children and youth;

(C) a program for the adjustment, orientation, and education of deaf-blind children and youth which integrates all the professional and related services necessary therefor; and

(D) effective consultative services or specialized training for parents, teachers, interpreters for deaf-blind individuals, and other individuals who play a direct role in the lives of deaf-blind children and youth to enable such parents, teachers, and interpreters of such pupils to understand the special problems of such children and youth and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may—

(A) be provided to deaf-blind children and youth (and, where applicable, other handicapped individuals) regardless of whether they reside in the center,

(B) be provided at some place other than the center, and

(C) include the provision of transportation for any such children and youth (including an attendant) and for parents.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The [Commissioner] *Secretary* is authorized to arrange by contract[,] *or* grant, [or otherwise] with appropriate public agencies and private nonprofit organizations, for the development and [carrying out] *implementation* by such agencies and organizations of experimental preschool and early education programs for handicapped children which the [Commissioner] *Secretary* determines show promise of promising a comprehensive and strengthened approach to the special *educational* problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services [designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

[(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

[(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.] *which—*

(1) are designed to facilitate the intellectual, emotional, physical, mental, social, and language development of such children;

(2) encourage the participation of the parents of such children in the development and operation of any such program; and

(3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b)(1) Programs authorized by this section shall be coordinated with similar programs in the schools operated or supported by State of local educational agencies of the community to be served by such a program.

(2) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

(c) The Secretary is authorized to—

(1) arrange by contract or grant with State educational agencies for developing and implementing a State plan to provide

special education and related services to handicapped children; and

(2) disseminate information on successful models and practices of the programs authorized under this section in order to promote the basis for other early education programs for handicapped children.

(d) For the purpose of this section, handicapped children includes children from birth to 8 years of age.

RESEARCH, [INNOVATION,] TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The [Commissioner] *Secretary* is authorized, either as part of any grant or contract under this part or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the [Commissioner] *Secretary* determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and [meet] *assist in meeting* the full range of special needs of handicapped children[;] *and youth;*

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children[;] *and youth;*

(3) training [(either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and] *of special education and related services personnel engaged in programs specifically designed for such children and youth; and*

(4) dissemination of materials and information about practices found effective in working with such children[.] *and youth.*

(b) In making grants and contracts under this section, the [Commissioner] *Secretary* shall insure that the activities funded under such grants and contracts will be coordinated with similiar activities funded from grants and contracts under other parts of this [title.] *Act.*

(c) In carrying out the provisions of this section the Secretary is authorized to address the needs of the severely handicapped.

[REGIONAL] *POSTSECONDARY* EDUCATION PROGRAMS

SEC. 625. (a) The [Commissioner] *Secretary* is authorized to make grants to or contracts with institutions of higher education, including junior and community colleges, and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed [or modified] programs of [vocational, technical, postsecondary, or adult education *for deaf or other handicapped persons.*] *postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.*

[(b) In making grants or contracts authorized by this section the Commissioner shall give priority consideration to—

[(1) programs serving multistate regions or large population centers;

[(2) programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

[(3) programs designed to serve areas where a need for such services is clearly demonstrated.

[(c) For purposes of this section, the term "handicapped persons" means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programing and related services.]

(b) The Secretary shall make grants and enter into contracts under this section on a competitive basis. In making grants or contracts under this section the Secretary shall give priority consideration to four regional centers for the deaf and to model centers and programs for individuals with handicapping conditions other than deafness—

(1) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of handicapped individuals; and

(2) for programs that coordinate, facilitate, and encourage education of handicapped individuals with their nonhandicapped peers.

The total amount of payments in any fiscal year under this subsection for the four regional centers for the deaf shall not be less than $2,000,000.

(c) The Secretary shall make grants or enter into contracts for a national clearinghouse on postsecondary education for handicapped individual for the purpose of providing information on available services and programs in postsecondary education for the handicapped.

[EVALUATIONS

[SEC. 626. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.]

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH

SEC. 626. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, State education agencies and local education agencies and other appropriate public and private nonprofit institutions or agencies to—

(1) strengthen and coordinate education, training, and related services for handicapped youth to assist in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, and adult services; and

(2) stimulate the improvement and development of programs for secondary special education, including—

(A) specially designed vocational programs which will increase the potential for competitive employment for handicapped youth; and

(B) research and development projects for exemplary service delivery models and the replication and dissemination of successful models.

(b) Projects assisted under this section may include—

(1) developing strategies and techniques for transition to independent living, vocational training, postsecondary education, and competitive employment for handicapped youth;

(2) establishing demonstration models for services and programs which emphasize vocational training, transitional services, and placement for handicapped youth;

(3) conducting demographic studies which provide information on the numbers, age levels, types of handicapping conditions and services required of handicapped youth in need of transitional programs;

(4) initiating collaborative models between educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and employers which facilitate the planning and development of transitional services for handicapped youth to postsecondary education, vocational training, employment, continuing education, and adult services; and

(5) developing appropriate procedures for evaluating vocational training, placement, and transitional services for handicapped youth.

Projects described under clause (4) shall be coordinated with projects developed under section 311 of the Rehabilitation Act of 1973.

(c) An evaluation of this section shall be conducted in a manner consistent with section 627 of this part and shall be submitted to the appropriate committees of each House of Congress not later than January 1986.

(d) For the purpose of this section, "handicapped youth" means any handicapped individual who has attained 12 years of age or is enrolled in the seventh or higher grade in school, and has not attained 22 years of age, except when State law permits attendance in secondary schools for handicapped individuals over 22 years of age.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 627. There are authorized to be appropriated to carry out the provisions of section 621, $19,000,000 for the fiscal year 1978 and for the succeeding fiscal year, $21,000,000 for fiscal year 1980, $24,000,000 for fiscal year 1981, and $25,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 622, $22,000,000 for fiscal year 1978, $24,000,000 for fiscal year 1979, $26,000,000 for fiscal year 1980, $29,000,000 for fiscal year 1981, and $32,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 623, $25,000,000 for fiscal year 1978 and for each of the two succeeding fiscal years, $20,000,000 for fiscal year 1981 and for the succeeding fiscal year. There are authorized to be appropriated to carry out the provisions of section 625, $10,000,000 for the fiscal year 1978,

$12,000,000 for the fiscal year 1979, $14,000,000 for the fiscal year 1980, and $16,000,000 for the fiscal year 1981 and for the succeeding fiscal year.]

EVALUATIONS

SEC. 627. The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. The results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 628. There are authorized to be appropriated to carry out the provisions of section 621, $5,700,000 for the fiscal year 1984 and for the succeeding fiscal year, $6,000,000 for fiscal year 1985, and $6,300,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 622, $16,000,000 for fiscal year 1984, $16,000,000 for fiscal year 1985, and $16,000,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 623, $21,100,000 for fiscal year 1984 and $22,200,000 for fiscal year 1985, and $23,400,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 624, $5,000,000 for fiscal year 1984 of which $3,000,000 shall be available for subsection (c) of such section, $5,300,000 for fiscal year 1985 of which $3,200,000 shall be available for subsection (c) of such section, and $5,600,000 for fiscal year 1986 of which $3,300,000 shall be available for subsection (c) of such section. There are authorized to be appropriated to carry out the provisions of section 625, $5,000,000 for the fiscal year 1984, $5,300,000 for the fiscal year 1985, and $5,500,000 for the fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 626, $6,000,000 for the fiscal year 1984, $6,330,000 for the fiscal year 1985, and $6,660,000 for the fiscal year 1986.

PART D—TRAINING [PERSONNEL] FOR THE EDUCATION OF THE HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

SEC. 631. The [Commissioner] *Secretary* is authorized to make grants to, *or enter into contracts with,* institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

[(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

[(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children.

[(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists.

Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.]

(1) in providing training for preparation as special education personnel and related services personnel for service to handicapped children and youth (including a limited amount of special education training for regular education personnel) such as—

(A) teachers of handicapped children and youth,

(B) adaptive physical education and recreation personnel,

(C) personnel serving the speech, language, and hearing impaired children and youth,

(D) personnel preparing to engage in related services to handicapped children and youth,

(E) special education personnel preparing to engage in educational research for handicapped children and youth,

(F) special education personnel as part of an interdisciplinary team for use in the university affiliated facilities program under the Rehabilitation Act of 1973 and the satellite network of the developmental disabilities program, and as part of an interdisciplinary team for use in research and training centers under section 204(b) of the Rehabilitation Act of 1973; and

(2) in providing demonstration and model programs for the preservice training described in clause (1);

(3) in providing demonstration and model programs for inservice training of special education personnel, including classroom aides, related services personnel and regular education personnel who serve handicapped children and youth; and

(4) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Secretary, for training personnel engaged in or preparing to engage in educational services, educational research, or employment as teachers of the handicapped or as related services personnel serving handicapped children and youth.

The Secretary shall reserve not to exceed 5 per centum of the amount appropriated and available in each fiscal year for this subsection for contracts to target training personnel in under served areas.

(b)(1) The Secretary is authorized to make grants to private nonprofit organizations for the purpose of establishing and operating parent training and information programs. Each program established under this section shall be designed to inform and train parents so that the parents can participate effectively with professionals in meeting the educational needs of their handicapped children. In order to receive a grant under this section each private nonprofit organization shall—

(A) be governed by a board, the majority of which is parents of handicapped children and include professionals from special education and related fields who serve handicapped children and youth;

(B) serve the parents of children with the full range of handicapping conditions; and

(C) demonstrate the capacity and expertise to effectively conduct the training and information activities authorized under this section.

(2) The Secretary shall assure that grants under this subsection will—

(A) be distributed to the greatest extent possible throughout the United States; and

(B) be targeted to parents of handicapped children in both urban and in rural areas, or on a State, or regional basis.

(3) The parent training and information programs assisted under this section shall assist parents to—

(A) understand better the nature and needs of the handicapping conditions of their children;

(B) provide followup support for their handicapped children's educational programs;

(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

(D) participate in educational decisionmaking processes including the development of their handicapped child's individualized educational program;

(E) obtain information about the programs services and resources available to their handicapped child, and the degree to which the programs, services, and resources are appropriate; and

(F) understand the provisions for the education of handicapped children as specified under part B of this Act.

(4) Each private nonprofit organization operating a program receiving assistance under this subsection shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions to be served by the program.

(5) The Secretary shall provide by grant or contract technical assistance for establishing, developing and coordinating parent training and information programs.

(6) The Secretary shall reserve 10 per centum of the funds appropriated and available for this section in each fiscal year for the activities authorized under this subsection.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The [Commissioner] *Secretary* is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged, or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

[GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

[SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

[(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

[(2) disseminating information about the programs, services, and resources for the education of handicapped children, or providing referral services to parents, teachers, and other persons especially interested in the handicapped.]

RECRUITMENT OF EDUCATIONAL PERSONNEL AND THE PROVISION OF INFORMATION CONCERNING THE EDUCATION OF HANDICAPPED INDIVIDUALS

SEC. 633. (a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or institution or a private nonprofit organization or institution for a national clearinghouse. The national clearinghouse shall—

(1) disseminate information on a national basis to parents, professionals, and other interested parties about—

(A) the programs authorized under this Act and other relevant provisions of Federal law; and

(B) how to participate in such programs including referral of individuals to appropriate national, State, and local agencies and organizations that can provide further assistance; and

(2) encourage students and professional personnel to seek and obtain careers and employment in the various fields relating to the education of handicapped children and youth.

In awarding the grant under this section, the Secretary shall give particular attention to the demonstrated experience at the national level to carry out the functions established in this section and ability of grant applicants to conduct the clearinghouse, communicate with the intended consumers of information and maintain the necessary communication with other agencies and organizations.

[TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR HANDICAPPED CHILDREN

[SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged

or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

[REPORTS

[SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.]

REPORTS TO THE SECRETARY

SEC. 635. (a) Each recipient of a grant under subsection (a) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

(1) the number of individuals trained under the grant, by category of training and level of training; and

(2) the number of individuals trained under the grant receiving degrees and certification, by category and level of training.

(b) Each recipient of a grant under subsection (b) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate and shall include the number of parents trained under the grant.

(c) The data required by this section shall be included in the annual report required under section 618(d) of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 636. [There are authorized to be appropriated for carrying out the provisions of this part (other than section 633) $75,000,000 for the fiscal year 1978, $80,000,000 for the fiscal year 1979, $85,000,000 for the fiscal year 1980, $90,000,000 for the fiscal year 1981, and $95,000,000 for the fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 633, $2,000,000 for the fiscal year 1978 and the succeeding fiscal year, and $2,500,000 for the fiscal year 1980 and each of the two succeeding fiscal years.] *There are authorized to be appropriated to carry out the provisions of this part (other than section 633), $58,000,000 for the fiscal year 1984, $61,150,000 for fiscal year 1985, and $64,370,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 633, $1,000,000 for fiscal year 1984, $1,050,000 for fiscal year 1985, and $1,110,000 for fiscal year 1986.*

PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

[SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher

education, and other public or private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children, including the development and conduct of model programs designed to meet the special educational needs of such children.]

SEC. 641. (a) The Secretary is authorized to make grants to, or enter into contracts with State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth. Research and related activities assisted under this section shall be designed to—

(1) increase knowledge and understanding of handicapped conditions and teaching, learning, and education-related practices and services for handicapped children and youth;

(2) develop techniques and devices for improving the education and related services for handicapped children and youth;

(3) demonstrate exemplary educational programs and practices; and

(4) disseminate appropriate information on the research and related activities conducted under this part to interested individuals and organizations.

(b) The Secretary shall publish a proposed set of research priorities in the Federal Register every 2 years and allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments the Secretary shall publish a final set of research priorities in the Federal Register not later than 30 days after the close of the comment period.

(c) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618(d). The Secretary shall make reports of research projects available to the education community at large and other interested parties.

(d) The Secretary shall encourage the coordination of research priorities established under this section with research priorities established by the National Institute of Handicapped Research and shall assure that information as to research priorities established under this section is provided to the National Council of the Handicapped.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The [Commissioner] *Secretary* is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher

education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

PANELS OF EXPERTS

SEC. 643. [The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.] *The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of proposals for projects under parts C, D, E, and F, and shall secure the advice and recommendations of one such panel before making any grant or contract under parts C, D, E, and F of this Act. The panels shall be composed of—*

(1) individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals; and

(2) handicapped individuals and parents of handicapped individuals when appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 644. [For the purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for the fiscal year 1978, $22,000,000 for the fiscal year 1979, $24,000,000 for the fiscal year 1980, $26,000,000 for the fiscal year 1981, and $28,000,000 for the fiscal year 1982.] *For the purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for the fiscal year 1984, $21,100,000 for the fiscal year 1985, and $22,200,000 for the fiscal year 1986.*

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films enriched educational and cultural experience through which deaf persons can be brought into better touch with the realities of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and

(C) training persons in the use of educational media for the instruction of the handicapped.

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

SEC. 652. (a) The [Commissioner] *Secretary* shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The [Commissioner] *Secretary* is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary tothe administration of this part;

(3) provide, by grant or contract, for the captioning of films;

(4) provide, by grant or contract, for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the [Commissioner] *Secretary* may deem appropriate to serve as local or regional centers for such distribution;

(5) provide, by grant or contract, for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

CENTERS ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. (a) The Secretary is authorized to enter into agreements with institutions of higher education, State and local educational agencies, or other appropriate nonprofit agencies, for the establishment and operation of centers on educational media and materials for the handicapped, which together will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing, developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in such agreements. Any such agreement shall—

(1) provide that Federal funds paid to a center will be used solely for such purposes as are set forth in the agreement; and

(2) authorize the center involved, subject to prior approval by the Secretary, to contract with public and private agencies and organizations for demonstration projects.

(b) In considering proposals to enter into agreements under this section, the Secretary shall give preference to institutions and agencies—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89–694).

(c) The Secretary shall make an annual report on activities carried out under this section which shall be transmitted to the Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 654. [For the purpose of carrying out this part there are authorized to be appropriated not to exceed $24,000,000 for the fiscal year 1978, $25,000,000 for the fiscal year 1979, $27,000,000 for the fiscal year 1980, $29,000,000 for the fiscal year 1981 and for each succeeding fiscal year thereafter.] *For the purposes of carrying out this part, there are authorized to be appropriated $19,000,000 for the fiscal year 1984, $20,000,000 for the fiscal year 1985, and $21,100,000 for the fiscal year 1986.*

[PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

[RESEARCH, TRAINING, AND MODEL CENTERS

[SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

[(1) research and related purposes relating to the education of children with specific learning disabilities;

[(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

[(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special educational needs of such children, (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities, and (D) disseminate new methods or techniques for overcoming learn-

ing disabilities to educational institutions, organizations, and agencies within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluations shall be conducted annually after the first year of operation of a center.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

[(b) In making grants and controls under this section, the Commissioner shall—

[(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

[(2) for the purposes of clause (3) of subsection (a), to the extent feasible, taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

[(c) For the purpose of making grants and contracts under this section there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, $20,000,000 for each of the fiscal year ending June 30, 1976, and June 30, 1977.]

[REPEALER

[SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

[(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85-905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

[(2) The Act of September 6, 1958 (Public Law 85-926);

[(3) Title VI of the Elementary and Secondary Education Act of 1965 (Public Law 89-10);

[(4) Titles III and V of the act of October 31, 1963 (Public Law 88-164), and

[(5) The Act of September 30, 1968 (Public Law 90-538).]

OTHER LAWS PERTAINING TO THIS ACT

OMNIBUS BUDGET RECONCILIATION ACT OF 1981

(Public Law 97-35)

TITLE VI—HUMAN SERVICES PROGRAMS

Subtitle A—Authorizations Savings for Fiscal Years 1982, 1983, and 1984

CHAPTER 1—GENERAL PROVISIONS

EFFECT ON OTHER LAWS

SEC. 601. (a) Any provision of law which is not consistent with the provisions of this subtitle hereby is superseded and shall have only such force and effect during each of the fiscal years 1982, 1983, and 1984 which is consistent with this subtitle.

(b) Notwithstanding any authorization of appropriations for fiscal year 1982, 1983, or 1984 contained in any provision of law which is specified in this subtitle, no funds are authorized to be appropriated in excess of the limitations imposed upon appropriations by the provisions of this subtitle.

CHAPTER 2—EDUCATION OF THE HANDICAPPED PROGRAMS

EDUCATION OF THE HANDICAPPED ACT

SEC. 602. (a)(1) There is authorized to be appropriated to carry out part B of the Education of the Handicapped Act, other than sections 618 and 619, $969,850,000 for fiscal year 1982, and $1,017,900,000 for [each of the fiscal years 1983 and 1984.] *the fiscal year 1983 and $1,071,850,000 for the fiscal year 1984.*

(2) There is authorized to be appropriated to carry out section 618 of such Act $2,300,000 for each of the fiscal years 1982 and 1983.

(3) There is authorized to be appropriated to carry out section 619 of such Act $25,000,000 for each of the fiscal years 1982 and 1983.

(b)(1) There is authorized to be appropriated to carry out section 621 of the Education of the Handicapped Act (relating to regional resource centers) $9,800,000 for each of the fiscal years 1982 and 1983.

(2) There is authorized to be appropriated to carry out section 622 of such Act $16,000,000 for each of the fiscal years 1982 and 1983.

(3) There is authorized to be appropriated to carry out section 623 of such Act $20,000,000 for each of the fiscal years 1982 and 1983.

(4) There is authorized to be appropriated to carry out sections 621 and 624 of such Act (relating to projects for severely handicapped children) $5,000,000 for each of the fiscal years 1982 and 1983.

(5) There is authorized to be appropriated to carry out section 625 of such Act $4,000,000 for each of the fiscal years 1982 and 1983.

(6) There is authorized to be appropriated to carry out sections 631, 633, and 634 of such Act $58,000,000 for each of the fiscal years 1982 and 1983.

(7) There is authorized to be appropriated to carry out section 633 of such Act $1,000,000 for each of the fiscai years 1982 and 1983.

(8) There is authorized to be appropriated to carry out part E of such Act $20,000,000 for each of the fiscal years 1982 and 1983.

(9) There is authorized to be appropriated to carry out part F of such Act $19,000,000 for each of the fiscal years 1982 and 1983.

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CHAPTER 4—OTHER HANDICAPPED PROGRAMS AND SERVICES

AMERICAN PRINTING HOUSE FOR THE BLIND; GALLAUDET COLLEGE; KENDALL SCHOOL; MODEL SECONDARY SCHOOL FOR THE DEAF; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT

SEC. 605. (a) The total amount of appropriations to carry out the Act of March 3, 1979 (20 Stat. 468), relating to the American Printing House for the Blind, shall not exceed $5,000,000 for each of the fiscal years 1982, [1983, and 1984] *and 1983, and $5,500,000 for the fiscal year 1984.*

(b) The total amount of appropriations to carry out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, shall not exceed $52,000,000 for each of the fiscal years 1982, [1983, and 1984] *and 1983, and $56,000,000 for the fiscal year 1984.* Amounts appropriated pursuant to this subsection also shall be available for the administration of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf.

(c) The total amount of appropriations to carry out the National Technical Institute for the Deaf Act shall not exceed $26,300,000 for each of the fiscal years 1982, [1983, and 1984] *and 1983, and $28,000,000 for the fiscal year 1984.*

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